

ORDINANCE #5-2026

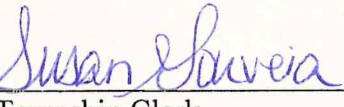
AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 550, LAND USE ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, ARTICLE VII, "ZONING DISTRICT USE AND BULK REGULATIONS," SECTION 550-103A "NONRESIDENTIAL DISTRICTS" OF THE CODE OF THE TOWNSHIP OF MOUNT OLIVE TO ESTABLISH A NEW "C-1 AFFORDABLE HOUSING OVERLAY-2 DISTRICT" FOR THE PROPERTY IDENTIFIED AS BLOCK 102 LOTS 9 AND 10 IN THE TOWNSHIP

CLERK:

Delivered to Mayor:

Date: 2/25/2026

Time: 10:00 am

Signed: 
Township Clerk
Susan Gouveia

MAYOR:

Action by Mayor:

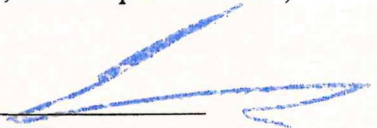
Approved: ✓

Date: 2-25-26

Vetoed: _____

Date: _____

(Reasons for which Mayor has withheld approval of Ordinance, item or part Thereof.)

Signed: 
Mayor

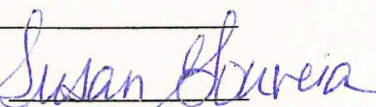
CLERK:

Returned:

Date: 2/25/26

Time: 11:00 am

Not returned with in (10) days

Date: _____
Signed: 
Township Clerk

ORD. #5-2026

AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 550, LAND USE ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, ARTICLE VII, "ZONING DISTRICT USE AND BULK REGULATIONS," SECTION 550-103A "NONRESIDENTIAL DISTRICTS" OF THE CODE OF THE TOWNSHIP OF MOUNT OLIVE TO ESTABLISH A NEW "C-1 AFFORDABLE HOUSING OVERLAY-2 DISTRICT" FOR THE PROPERTY IDENTIFIED AS BLOCK 102 LOTS 9 AND 10 IN THE TOWNSHIP

WHEREAS, the Township of Mount Olive Planning Board has adopted, and the Township Council of the Township of Mount Olive has endorsed, an Amended Housing Element & Fair Share Plan addressing the Township's Fourth Round affordable housing obligation; and

WHEREAS, the Amended Housing Element & Fair Share Plan recommends the establishment of an affordable housing overlay zone on the parcels located at Block 102, Lots 9 and 10 in the Township, as identified on Township's current tax records on file in the Office of the Township Tax Assessor, to be otherwise known as the "C-1 Affordable Housing Overlay-2 District"; and

WHEREAS, consistent with the provisions of the Municipal Land Use Law, including N.J.S.A. 40:55D-26 and 40:55D-64, prior to the hearing on the adoption of the amendment to the Zoning Ordinance, the Township Council of the Township of Mount Olive has referred to the Mount Olive Planning Board the proposed amendments to the Land Use Ordinance for review, comment and recommendation.

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

SECTION 1. Chapter 550, Article VII, Zoning District Use and Bulk Regulations, Section 550-103A "Nonresidential Districts" is hereby amended and supplemented to establish the "C-1 Affordable Housing Overlay-2 District" at §550-103A(7), and to set forth the following:

§550-103A(7) C-1 Affordable Housing Overlay-2 District.

- (a) Purpose. The purpose of the C-1 Affordable Housing Overlay-2 District is to provide a realistic opportunity for the development of affordable housing for households of low- and moderate-income as required by South Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983)("Mount Laurel II") and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq., ("FHA"). These regulations are intended to implement the recommendations set forth in the Township of Mount Olive Planning Board's Master Plan Reexamination Report adopted on November 14, 2024, and the Township's Housing Element and Fair Share Plan for the purpose of addressing a portion of the Township's Fourth Round prospective need obligation. Specifically, the C-1

Affordable Housing Overlay-2 Zone is established as an incentive for the development of affordable housing by allowing for the development of new age-restricted multi-family inclusionary dwelling units located along Route 46 and which will also address a portion of the Township's fourth round affordable housing obligation and the need for active-adult (senior) housing within the Township generally. The C-1 Affordable Housing Overlay-2 District is designed to enable the property within the Overlay District to be developed in the manner set forth herein as an alternative to the underlying C-1 zoning district and development standards that are, and shall remain in force, except for the property located at Block 102, Lots 9 and 10. At the property located at Block 102, Lots 9 and 10, the age-restricted multi-family inclusionary dwelling units may be mixed with the underlying zone district development standards. However, the age-restricted multi-family dwelling units permitted in the C-1 Affordable Housing Overlay-2 District shall comply with the standards set forth herein and include a mandatory affordable housing set-aside as provided in this subsection.

- (b) Applicability. The provisions set forth herein pertaining to the C-1 Affordable Housing Overlay-2 District shall apply exclusively and solely to the properties designated and known as Block 102, Lots 9 and 10 on the Township's current official Tax Maps of record on file in the office of the Township of Mount Olive Tax Assessor, which is otherwise known as the "Budd Lake Motel & Kennedy's".
- (c) Permitted uses. A mixed-use development consisting of a combination of any C-1 zone district permitted principal, accessory or conditional use (subject to the regulations established for the C-1 Commercial District); and affordable inclusionary age-restricted multi-family dwelling units restricted and intended exclusively for adults 55 years of age or older subject to the regulations established herein.

[1] The phrase "age-restricted" as used in this subsection, shall mean and refer to the definition of "age-restricted unit" set forth within N.J.A.C. 5:80-26.2 of the Uniform Housing Affordability Controls N.J.A.C. 5:80-26.1 et seq. (UHAC), and which such definition of "age-restricted unit" set forth within the UHAC is hereby incorporated by reference, as if fully set forth at length herein.

- (d) Permitted accessory uses for age-restricted multi-family dwellings shall be as follows:

[1] Residential management and leasing office.

[2] Common rooms/areas including for work, meetings, fitness and recreational activities (indoor and outdoor).

[3] Indoor maintenance and storage areas related to age-restricted multi-family units.

[4] Off-street parking and loading, including structured and surface parking.

[5] Signs.

[6] Utility infrastructure.

[7] Exterior electric vehicle charging stations and make-ready infrastructure.

[8] Other customary uses which are incidental and subordinate to age-restricted multi-family dwelling units.

(e) Mandatory affordable housing provisions.

[1] Within the C-1 Affordable Housing Overlay-2 District, at least 20% of the total residential dwelling units constructed, rounded up to the next whole dwelling unit, shall be restricted for “very-low income housing,” “low-income housing” and “moderate-income housing,” as these terms are defined in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq., (“FHA”). All affordable units shall be constructed on site and in accordance with the provisions of the FHA, the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.1 et seq. (UHAC), and the Township’s Affordable Housing regulations set forth at §550-86.

[2] At least fifty (50) percent of the total number of all affordable dwelling units shall be restricted to person(s) qualifying for low-income housing, of which no less than 13% shall be restricted for persons qualifying for “very-low income housing” as this term is defined in the FHA. The remaining balance of the total number of affordable dwelling units may be restricted for persons qualifying for moderate-income housing. In no event shall the total number of moderate-income housing units exceed fifty (50) percent of the total number of affordable dwelling units.

[3] All affordable dwelling units shall be deed restricted for occupancy in accordance with the terms and conditions of the Township’s affordable housing deed restriction. The purchaser of any affordable dwelling unit offered for sale or resale shall also be required to execute an individual Township approved affordable housing unit deed restriction along with a Township approved recapture mortgage lien and recapture note.

[4] The length of the affordability control period set forth in any affordable housing deed restriction for each affordable dwelling unit sold or offered for sale or resale shall be for a minimum period of time of at least thirty (30) years from the later of the date the first affordable household occupies the unit or the date the first certificate of occupancy is issued for the respective affordable unit. Each deed restriction shall include a reservation of the Township’s right and option to extend the initial affordability control period for an additional period of time in accordance with the provisions of the FHA, the UHAC and the Township’s Affordable Housing regulations set forth at §550-86.

[5] The length of the affordability control period set forth in any affordable housing deed restriction for each affordable dwelling unit to be rented or offered for rent shall be for a minimum period of time of at least forty (40) years from the later of the date the first

affordable household occupies the respective unit or the date the first certificate of occupancy is issued for the respective affordable unit. The affordable housing deed restriction shall include a reservation of the Township's right and option to extend the initial affordability control period for an additional period of time in accordance with the provisions of the FHA, the UHAC and the Township's Affordable Housing regulations set forth at §550-86.

[6] All affordable dwelling units shall be constructed, affirmatively marketed, sold or rented, and occupied in accordance with the provisions of the FHA, the UHAC and the Township's Affordable Housing regulations set forth at §550-86.

[7] Affordability Averages. The range of affordability, minimum and maximum pricing for the sale and/or rental of affordable dwelling units and affordability average requirements shall meet all requirements of the FHA, the UHAC and the Township's Affordable Housing regulations set forth at §550-86.

[8] Affordable Dwelling Bedroom Distribution; Construction Phasing. The bedroom distribution of all affordable dwelling units, and construction phasing of the affordable dwelling units with the market rate dwelling units to be developed on the tract shall meet the requirements of the FHA and the UHAC.

[9] Unless otherwise permitted by the Township, the Township's Municipal Housing Liaison and Affordable Housing Administrative Agent shall be responsible to affirmatively market, administer and certify each household for any for sale or rental affordable unit, with all administrative costs to be paid by the developer/owner of the property.

[10] The developer/owner shall provide the Planning Board with appropriate documentation at the time of application for preliminary site plan approval to demonstrate compliance with the requirements for the low-and moderate-income units as set forth in this subsection.

(f) Development standards. Development shall be subject to be the following:

[2] The maximum number of age-restricted multi-family dwelling units shall be 20. At least 20% of such units shall be set-aside as low-and moderate-income units (including 13% very low)- and subject to all rules and regulations governing the Township's fourth round affordable housing obligation, the FHA, the UHAC and the Township's Affordable Housing regulations set forth at §550-86. Should the developer/owner of the property seek to reduce the total number of age-restricted multi-family dwelling units, the developer may not reduce the total number of very-low, low-and moderate-income restricted units to a total number that is less than 4 dwelling units.

[4] Maximum building coverage: 30%

[5] Maximum impervious coverage: 60%

[6] Setbacks.

[a] The setback requirements for principal and accessory structures shall be the same as permitted/required in the C-1 Zone.

[b] Accessory structures shall not be located within the front yard setback from Route 46 and shall not be located closer than 25 feet to any other lot line.

[7] Maximum building height: 35 feet.

[8] Off-street parking requirements.

[a] The minimum number of off-street parking spaces required shall be in accordance with Residential Site Improvement Standards (RSIS).

[9] Signs.

[a] Residential uses shall be subject to §550-95, except that in lieu of a freestanding sign, a façade sign shall be permitted subject to the same signage area limits established therein.

[12] Electric vehicle charging stations. Development shall comply with the requirements of New Jersey's Electric Vehicle Charging Station Law (P.L. 2021, c.171).

[13] §550-33E and §550-36B shall not apply to the C-1 Affordable Housing Overlay-2 District.

(g) Zoning Map. The C-1 Affordable Housing Overlay-2 District shall be as shown on the Township of Mount Olive Official Zoning Map, entitled the 2016 Zoning Map Township of Mount Olive, Morris County, New Jersey prepared by Van Cleef Engineering, as revised through April 5, 2022, adopted in accordance with N.J.S.A. 40:55D-32, et seq., which is made part of Chapter 550, Land Use, Article VI, Zoning at §550-78, Interpretation and General Provisions, subsection f, Zoning Districts and Map.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. 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 4. 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 5. 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 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 6. 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 7. 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: 2/10/2026

Adopted: 2/24/2026

Effective Date: 3/19/2026

TOWNSHIP OF MOUNT OLIVE

A handwritten signature in black ink, appearing to read "Alex Roman", written over a horizontal line.

Alex Roman, Township Council President

Attest: 2/24/2026

A handwritten signature in blue ink, appearing to read "Susan Gouveia", written over a horizontal line.

Susan Gouveia, Township Clerk