

**MONTAGUE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2026-05

**ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF
SUSSEX, STATE OF NEW JERSEY, AMENDING CHAPTER 76,
ZONING, OF THE TOWNSHIP CODE TO CREATE ARTICLE XXVII,
HOLIDAY LAKE SENIOR HOUSING OVERLAY ZONE, IN SUPPORT
OF THE TOWNSHIP'S FOURTH ROUND AFFORDABLE HOUSING
PLAN**

WHEREAS, in 2024, the New Jersey Legislature amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. through the adoption of P.L. 2024, c.2 ("FHA" or "FHA-2"); and

WHEREAS, P.L. 2024, c. 2 abolished the Council on Affordable Housing (COAH), created the Affordable Housing Dispute Resolution Program (Program), and established new procedures and deadlines for municipalities to come into compliance with the FHA and the Mount Laurel doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which starts on July 1, 2025 and ends on June 30, 2035; and

WHEREAS, in December 2024, the Administrative Office of the Courts issued Directive #14-24, which sets forth additional procedures all municipalities must follow to be in compliance with the FHA in order to maintain immunity from exclusionary zoning and builder's remedy litigation through the Program process set forth in P.L. 2024, c.2; and

WHEREAS, in compliance with P.L. 2024, c. 2 and Directive #14-24, the Township of Montague timely adopted a resolution setting forth the Township's pre-credited/unadjusted Fourth Round affordable housing obligations on January 28, 2025 and on January 30, 2025 the Township uploaded same to the Program and filed a declaratory judgment action with the Program, which is entitled: In re Township of Montague, Docket No.: SSX-L-000073-25 (Township's "2025 Action"); and

WHEREAS, on April 24, 2025 Morris/Sussex County Mount Laurel Judge, the Honorable Janine M. Allen, J.S.C., issued an Order in the Township's 2025 Action fixing the Township's Fourth Round pre-credited/unadjusted Present Need Obligation at twenty-three (23) and the Township's Fourth Round gross Prospective Need Obligation at fifty-five (55), which Order further directs the Township to adopt its Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2, and the Order issued by Judge Allen in the Township's 2025 Action, the Township's Municipal Planner prepared the Township's 2025 Housing Element and Fair Share Plan which, in part, establishes that there shall be created a senior housing inclusionary overlay zone encompassing the Township's existing R-4 Residential District; and

WHEREAS, on timely prior notice to the public, on June 30, 2025, the Township of Montague Land Use Board adopted the Township's 2025 Housing Element and Fair Share Plan following a public hearing thereon, all in accordance with the requirements of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., N.J.S.A. 40:49-2.1 of the Home Rule Act and the applicable provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, the Township Committee of the Township of Montague endorsed the 2025 Housing Element and Fair Share Plan, pursuant to Resolution 2025-076, approved by the Township Committee on July 15, 2025.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Township Committee of the Township of Montague, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 76, Zoning, of the Township Code is hereby amended to create Article XXVII, “Holiday Lake Senior Housing Overlay Zone,” to read as follows:

Article XXVII. Holiday Lake Senior Housing Overlay Zone.

§ 76-119. Purpose.

The purpose of the Holiday Lake Senior Housing Overlay Zone is to allow developers to have the option of redeveloping designated lots as assisted living facilities, memory care and continuing care retirement communities, and/or senior citizen housing, while also retaining the developers’ option to develop in accordance with the underlying R-4 Residential zone district for the properties. As such, the Holiday Lake Senior Housing Overlay designation does not replace the underlying land use designation for these parcels.

§ 76-120. Permitted Uses.

The uses set forth below shall be permitted as a development alternative to the underlying zoned uses allowed by this Chapter but shall not replace the underlying zoning district.

A. Principal Uses and Requirements. The following principal uses shall be permitted in the Holiday Lake Senior Housing Overlay Zone:

(1) Assisted Living Facilities, defined as facilities licensed by the New Jersey Department of Health to provide apartment-style housing, congregate dining, and assisted-living services when needed, with dwelling units limited to single-family-style and townhouse residential units. Assisted Living Facilities shall include memory care facilities and/or continuing care retirement communities.

(2) Senior Citizen Housing, defined as housing especially designed and constructed for senior occupancy, limited to at least one member of the household fifty-five (55) years of age or older with no children under nineteen (19) years of age in permanent residence, pursuant to the Federal Fair Housing Amendments Act of 1988, and any amendments thereto, including but not limited to the Housing for Older Persons Act of 1995. Senior Citizen Housing shall be limited to single-family-style and townhouse residential units.

(3) All dwelling units developed pursuant to this Chapter shall be limited to persons of at least fifty-five (55) years of age and shall offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

B. Accessory Uses. The following accessory uses shall be permitted in the Holiday Lake Senior Housing Overlay Zone to be used exclusively by the residents of an Assisted Living Facility or Senior Citizen Housing development and their guests, except as may otherwise be authorized by the Township:

(1) Off-street parking facilities, including surface parking, under-building parking, and parking garages.

(2) Patios and gazebos.

(3) Buildings for storage of maintenance equipment.

(4) Private indoor and outdoor recreation and community buildings and facilities, including swimming pools, fitness rooms, sport courts, common areas and similar amenities.

(5) Trash and recycling facilities.

(6) Other accessory uses customarily incidental to principal permitted uses in the Holiday Lake Senior Housing Overlay Zone.

§ 76-121. Affordable Housing Requirements.

A. Any Assisted Living Facility or Senior Citizen Housing development in the Holiday Lake Senior Housing Overlay Zone shall be required to set aside a minimum percentage of the residential dwelling units for affordable housing. The minimum set aside shall be thirty percent (30%) of rental units and thirty percent (30%) of 'for sale' units. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

B. All affordable units to be produced pursuant to this section shall comply with the Township's Affordable Housing Ordinance at Chapter 19A of the Township Code, as may be amended and supplemented, and the Uniform Housing Affordability Controls ("UHAC")(N.J.A.C. 5:80-26.1 et seq.), or any successor regulation.

§ 76-122. Development standards.

A. The R-4 residential district's tract requirements, development procedure requirements, buffer zone requirements, off-street parking requirements, lot area requirements, density requirements, dimension requirements, open space requirements, and all other requirements of the underlying R-4 residential district shall remain in full force and effect for development in accordance with the Holiday Lake Senior Housing Overlay Zone, except as otherwise specifically established in this Chapter.

B. Maximum density. Notwithstanding the density requirements of the underlying R-4 residential district, development within the Holiday Lake Senior Housing Overlay Zone shall be permitted up to a maximum of seventy (70) residential dwelling units. This density shall be permitted in order to provide a realistic opportunity for the production of affordable housing

units consistent with the Township's Fourth Round Housing Element and Fair Share Plan and the Consent Order entered in In re Township of Montague, Docket No.: SSX-L-000073-25.

SECTION 2. All ordinances of the Township of Montague that are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any 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.

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced: February 10, 2026

Adopted: March 16, 2026

George Zitone, Mayor
Montague Township

ATTEST:

Dana Klinger, RMC
Montague Township Municipal Clerk

RECORD OF COMMITTEE VOTES – Ordinance 2026-05				
<u>COMMITTEE MEMBER</u>	<u>AYES</u>	<u>NAYES</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
BARBARA HOLSTEIN		X		
RICHARD INNELLA	X			
JAMES LEDONNE	X			
FRED MERUSI	X			
MAYOR GEORGE ZITONE	X			

CERTIFICATION

I hereby certify that this is a true and accurate copy of an ordinance adopted by the Montague Township Committee in the County of Sussex, State of New Jersey at a special meeting held on March 16, 2026.

Dana Klinger, RMC/CMR
Montague Township Municipal Clerk