

ORD.#35-2023

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 550 "LAND USE" TO ESTABLISH DEFINITIONS AND STANDARDS TO REZONE LOTS 21 AND 28 IN BLOCK 3203 FROM R-4 RESIDENTIAL TO NEW R-8 RESIDENTIAL ZONE DISTRICT**

**CLERK:**

Delivered to Mayor:


Date: 12/20/2023

Time: 9:00 am

Signed:   
Township Clerk  
Michelle Masser

**MAYOR:**

Action by Mayor:

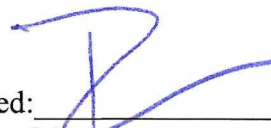
Approved: 

Date: 12/20/23

Vetoed: \_\_\_\_\_

Date: \_\_\_\_\_

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

Signed:   
Mayor

**CLERK:**

Returned:

Date: 12/20/23

Time: 10:50 am

Not returned with in (10) days

Date: \_\_\_\_\_

Signed:   
Township Clerk  
Michelle Masser

**ORD.#35-2023**

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS,  
STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 550 "LAND USE"  
TO ESTABLISH DEFINITIONS AND STANDARDS TO REZONE LOTS 21 AND 28 IN  
BLOCK 3203 FROM R-4 RESIDENTIAL TO NEW R-8 RESIDENTIAL ZONE DISTRICT**

**WHEREAS**, the Periodic Reexamination Report of the Master Plan and Development Regulations adopted by Mount Olive Planning Board on June 20, 2013 identified the former Cobblestone nursing home site on Lot 28 in Block 3203, otherwise known as 23 Stonewald Court Drive and the adjacent vacant parcel Lot 21 in Block 3203, otherwise known as 20 Stonewald Court Drive as a potential location for a municipally sponsored, one hundred percent affordable housing opportunity (hereinafter the "Cobblestone Site" or "Site"); and

**WHEREAS**, the Mount Olive Planning Board adopted a Housing Element and Fair Share Plan (HE/FSP) on December 21, 2017 to address its Third Round *Mount Laurel* affordable housing obligation which included the Cobblestone Site as a potential 100 percent family affordable location; and

**WHEREAS**, the 2017 HE/FSP was endorsed by the Mount Olive Township Council on January 16, 2018 and received judicial approval through a judgment of final compliance and repose pursuant to an "Order Granting Third Round Substantive Certification" issued by the Honorable Maryann L. Nergaard, J.S.C on March 16, 2018.; and

**WHEREAS**, in order to proceed with the implementation of said policy recommendations regarding the former Cobblestone Site, the Mount Olive Township Planning Board adopted an amendment to the Land Use Plan Element of the 2003 Master Plan on April 20, 2023 recommending the establishment of a new zone district to provide for one hundred percent affordable housing; and

**WHEREAS**, prior to and subsequent to the adoption of the Land Use Plan amendment to establish the R-8 Zone district, further investigations, evaluations and studies of the Site have been conducted by the design professionals for Morris Habitat for Humanity, Inc. ("Habitat"), a nonprofit corporation the Township contracted with for the design/construction of the project, the Township's Professional Planner, Professional Engineer and Matthew J. Mulhall, P.G. of M<sup>2</sup> Associates Inc., a Professional Hydrogeologist retained by the Township to conduct a hydrogeologic evaluation of the Site and the and the surrounding neighborhood; and

**WHEREAS**, based on the professionals' various studies, investigations, and meetings, the Township Planner and Township Engineer, in consultation with the Township's Professional Hydrogeologist, are of the opinion and recommend that the Township continue to maintain, in lieu of decommissioning, the two newly installed test wells at the Site, as maintaining these two test wells will better enable the Township to plan for the installation of future public potable water system infrastructure and upgrades to meet anticipated future water service needs and demands associated with the project and the surrounding residential neighborhoods; and

**WHEREAS**, in conjunction with reserving land within the new R-8 zone for a pair of wells the Township Planner recommends a slightly larger minimum lot area of 6,000 sq. ft. and a modified rear yard setback of 20 ft. in contrast to the 5,000 sq. ft. lot area and 25 ft. rear yard setback proposed in the April 2023 Land Use Plan amendment to better accommodate the reconfigured layout; and

**WHEREAS**, the Township Planner is of the opinion that these proposed changes further advance the purposes and goals set forth at N.J.S.A. 40:55D-2a, e thru -g, i and m of the Municipal Land Use Law, by better promoting appropriate population densities and concentrations, encouraging efficient use of public funds, providing sufficient space and promoting good civic design and arrangement in this area of the Township; additionally, the proposed changes are not substantially inconsistent with the intent and purpose of the April 20, 2023 amendment to the Land Use Plan Element of the Township's 2003 Master Plan to establish the R-8 zone for one hundred percent affordable housing, as the changes will provide for an improved site layout while preserving two active potable water wells within the Site to plan for the future community needs and demands for potable water supply access and infrastructure; and

**WHEREAS**, based upon the opinions and recommendations of the Township's Planner, Engineer and Hydrogeologist, the Mayor and Township Council of the Township of Mount Olive do now find and have determined that the recommendation to establish a new R-8 Residential zone district as a one-hundred percent affordable housing district as set forth in the April 20, 2023 Land Use Plan Amendment with certain bulk standard modifications and reserving space within said district for several potable water wells represents sound planning and furthers the objectives in the Township's HE/FSP to address the municipal affordable housing obligation; and

**WHEREAS**, based on all of the above, the Mayor and Township Council also find that the proposed changes further promote the public health, safety and general welfare of the residents of the neighborhood and deem it to be in the interest of the public's health, safety and general welfare to reserve area within the new R-8 zone district to either retain existing wells in place or allow for one or two new wells to be drilled at some point for potential interconnections with established potable water systems to expand and improve said systems.

**NOW, THEREFORE BE IT ORDAINED**, by the Township Council of the Township of Mount Olive, in the County of Morris, State of New Jersey, that Chapter 550 entitled "Land Use" of the Township Code shall be revised and amended to establish a new R-8 Residential zone district to encompass lots 21 and 28 in Block 3203 subject to the standards and requirements set forth herein:

#### **Section 1.**

Article VII, "Zoning District Use and Bulk Regulations", § 550-101 "Rural and residential districts", shall be new amended to incorporate new section 'N' to read as follows:

R-8 Residential District. The purpose of this district is to provide single-family, detached housing for qualified low and moderate-income households as a component of the Township's affordable housing obligation.

- (1) Permitted principal use
  - (a) Detached single-family dwellings for low-income and moderate-income households and subject to all requirements set forth in § 550-86 of this Chapter
- (2) Permitted accessory uses
  - (a) Storage sheds not to exceed 120 sq. ft. footprint
  - (b) 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.
- (3) Conditional uses
  - (a) Home occupations in accordance with the definition set forth in this chapter.
- (4) Bulk regulations shall be as follows:
  - (a) Minimum lot area shall be six thousand square feet.
  - (b) See attached Schedule of Limitations – Residential Districts

## Section 2.

Schedule of Limitations, Residential Districts – 550 Attachment 3 shall be amended to incorporate new R-8 Residential zone district lot area and bulk standards as follows:

| PRINCIPAL STRUCTURE/BUILDING |           |           |                |           | ACCESSORY STRUCTURE |                |             | GENERAL STANDARDS      |                      |                    |                        |                  |
|------------------------------|-----------|-----------|----------------|-----------|---------------------|----------------|-------------|------------------------|----------------------|--------------------|------------------------|------------------|
| lot area sq. ft.             | lot width | lot depth | side yard each | rear yard | front yard          | other lot line | prin. bldg. | percent bldg. coverage | percent lot coverage | prin. bldg. height | accessory bldg. height | Floor area ratio |
| 6,000                        | 45 ft.    | 70 ft.    | 8 ft.          | 20 ft.    | 60 ft.              | 10 ft.         | 10 ft.      | 30                     | 40                   | 35 ft.             | 12 ft.                 | n/a              |

## Section 3.

The Zoning Districts and Map entitled 2016 Zoning Map Township of Mount Olive, Morris County, New Jersey as revised through November 1, 2016 and as amended by Township Ordinance 9-2022 as established in Chapter 550, Land Use, Article VI, Zoning, § 550-78, Interpretation and General Provisions, subsection F, Zoning districts and map, shall be amended to incorporate the following change:

Lots 21 and 28 in Tax Block 3203 shall be reclassified from the R-4 Residential zone district to the R-8 Residential zone district.

## Section 4.

If any section or subsection of this ordinance shall be found or declared to be invalid, illegal or unconstitutional, that shall not affect the remainder thereof, which shall remain in full force and effect.

**Section 5.**

This ordinance shall take effect upon final adoption, publication, and publication of a notice for final adoption and the filing of same with the Morris County Planning Board.


**Section 6.**

This ordinance is hereby referred to the Planning Board the Township of Mount Olive, so that it may review the same and determine whether it is consistent with the Master Plan and/or to make other recommendations that the Planning Board deems appropriate to the Governing Body in accordance with N.J.S.A. 40:55D-26.


**Section 7.**

Pursuant to N.J.S.A. 40:55D-26, the Planning Board's review of the proposed ordinance amendments shall be completed within thirty-five (35) days after referral, otherwise the Mayor and Township Council shall be relieved of the referral requirement and this ordinance shall otherwise take effect upon final adoption.

ATTEST: 12/19/2023

  
\_\_\_\_\_

Michelle Masser, Township Clerk

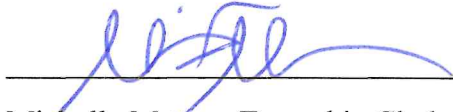
  
\_\_\_\_\_

Joe Nicastro, Council President



## CERTIFICATION

I, Michelle Masser, Township Clerk, Township of Mount Olive, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title, and passed on first reading at a regular meeting of the Mount Olive Township Council held on November 21, 2023 and adopted by the Township Council at a regular meeting of the Township held on December 19, 2023.

  
Michelle Masser, Township Clerk