

TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY
ORDINANCE NO. 2023-1
AMENDMENT TO CHAPTER 143 HOUSING, LOW-AND MODERATE-INCOME
AND REVISIONS TO ORDINANCE 2022-6 AMENDING CHAPTER 149 LAND USE
(introduced at first reading on January 23, 2023)

Section 1: Chapter 143 Housing, Low-and Moderate-Income

Repeal and reserve § 143-8 **Inclusionary Housing Terms.**

Section 2: Chapter 149 Land Use

Amend §§ 149-187.2 through 149-187.8 to read as follows:

§ 149-187.2 Purpose and area of application.

- A. As part of an effort to provide affordable housing, the Township shall implement an inclusionary residential overlay district that creates a realistic opportunity for the creation of housing that is affordable to low and moderate income households on four (4) overlay sites on the following tax parcels:
1. Overlay Site A: Block 66.02, Lots 1, 1.01, 2, 6, and 6.05;
 2. Overlay Site B: Block 84, Lots 33, 35-39, 52, and 65;
 3. Overlay Site C: Block 112, Lots 14, 15, 15.01, 16, 16.01, 17, 18, 19, 20, 21, 22, and 22.01; and
 4. Overlay Site D: Block 125, Lots 9, and 9.01.
- B. This Article establishes the AH Inclusionary Residential Overlay District, which permits the creation of single (1)-unit townhomes and multifamily housing in all four (4) overlay sites, as well as mixed-use development consisting of multifamily housing above ground-level commercial uses in Site B, with a maximum of 20 units per acre and a twenty (20%) percent affordable housing set-aside for all housing types.
- C. Provided that such housing complies with the following inclusionary set-aside requirements and with the requirements of this Ordinance:
1. At least fifty percent (50%) of the units shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
 2. All affordable units created in the district shall be family units, and at least twenty-five percent (25%) shall be family rental units.
 3. At least require thirteen percent (13%) of all units referenced in this Agreement shall be very low income units at thirty percent (30%) or less of median income, ~~with at least half (50%) of the very low income units being available to families.~~
- D. The overlay zoning shall remain in place for a period of at least twenty (20) years from the effective date of this Article.

§ 149-187.3 Special Rules.

- A. Relative to any inclusionary development that requires at least twenty percent (20%) of the residential units be affordable to low and moderate income households, in the event that twenty percent (20%) of the total number of residential units does not result in a full integer, the developer/property owner shall refer to Chapter 143 to address the fractional unit.

- B. Where this Article contradicts Chapter 143 of the Township's Affordable Housing Ordinance, the effects and requirements of this Ordinance shall supersede the requirements of Chapter 143.

§ 149-187.4 Principal Uses.

The following principal uses and structures shall be permitted in the AH Inclusionary Residential Overlay District:

- A. Overlay Sites A, C, and D:
1. Multifamily Housing, and
 2. Single (1)-Unit Townhomes.
- B. Overlay Site B:
1. Same principal uses as for Overlay Sites A, C, and D, and
 2. Mixed-Use Development consisting of Multifamily Housing on the floors above the following ground floor uses:
 - a. Eating and drinking establishments,
 - b. Retail sales and service uses,
 - c. Professional, technical, and administrative / business support service uses,
 - d. Exercise, fitness, and health and wellness centers,
 - e. Educational and licensed day-care service uses, and
 - f. Arts and cultural uses, including:
 - 1) Art and craft galleries, including art and craft sales,
 - 2) Art and craft maker studios,
 - 3) Theatre, music, and dance studios, ~~excluding public performance venues~~, and
 - 4) Museums, libraries, and other similar cultural facilities.

§ 149-187.5 Accessory uses and structures.

- A. Permitted accessory uses shall be limited to those uses customarily incidental to the principal uses permitted in this overlay district, including but not limited to clubhouses, pools, tennis courts and similar personal recreation facilities for the exclusive use of the residents-and guests of the residential development, etc., as well as:
1. Off-street parking facilities and loading facilities, per § 149-83. Such facilities may be located on the ground level of principal uses for their residential tenants,
 2. Outdoor seating and outdoor cafes for restaurants, per § 149-135.9.B.(6),
 3. Home offices and home occupations, per § 149-135.9.C.(2), and
 4. Signs, per the requirements on the underlying zoning district.
- B. Accessory uses and buildings shall comply with the requirements of§ 149-48.

§ 149-187.6 Prohibited uses.

Any use other than the uses permitted by §149-187.4 and -187.5 shall be prohibited, as well as all drive-in and drive-through uses.

§ 149-187.7 Lot, bulk, and intensity of use regulations.

All buildings shall be subject to the following regulations:

Dimensions	Townhomes		Multifamily Housing & Mixed-Use Buildings
	Single	Stacked	
Max. Height: Floors	3	4	4
Max. Height Feet	50	60	60
Max. Units / Building	8	16	48
Min. Lot Size	1,800 SF	1,800 SF	Sites A & B: 60,000 SF Sites C & D: 40,000 SF
Max. Density	20 units / acre	20 units / acre	20 units / acre
Min Lot Frontage	20'	20'	100'
Min. Lot Depth	80'	80'	100'
Min. Yard Setbacks			
Front	20'	20'	40'
Side: Common Wall	0'	0'	n/a
Side: Outside Wall	12'	12'	30'
Rear	25'	25'	30'
Min. Building Distances			
Front to Front	60'	60'	50'
Front to Side	35'	35'	25'
Front to Rear	60'	60'	50'
Side to Side	20'	20'	25'
Side to Rear	35'	35'	25'
Rear to Rear	50'	50'	25'
Min. Bldg. Elevation to Street Distances			
To Arterial / Collector Street			
Front to Right-Of-Way / Cartway	50' / 60'	50' / 60'	50' / 60'
Side to Right-Of-Way / Cartway	50' / 60'	50' / 60'	50' / 60'
Rear to Right-Of-Way	50' / 60'	50' / 60'	50' / 60'
To Local Street / Access Drive			
Front to Right-Of-Way / Cartway	22' / 30'	22' / 30'	22' / 30'
Side to Right-Of-Way / Cartway	12' / 20'	12' / 20'	12' / 20'
Rear to Right-Of-Way	20'	20'	20'
Max. Building Coverage	70%	70%	80%
Max. Lot Coverage	80%	80%	90%
Min. Landscape Buffer Width	0'	0'	5'

Arterial and collector streets include NJ Route 38, Branch St., Garden St., High St., Jacksonville Rd., King St., Madison Ave., Maple Ave., Mill St., Monmouth Rd, Pine St., Mill St., Mount Holly Bypass, Rancocas Rd., South Ave., Washington St., and Woodlane Rd. All other streets are local streets.

§ 149-187.8. Site plan review and approval.

Prior to the issuance of any construction permit, the Planning Board shall review and approve a final site plan for the project in accordance with the provisions of the Land Use Ordinance and all other applicable ordinances of the Township of Mount Holly.

Section 3: Chapter 149 Land Use

Amend §§ 149-192.L. to read as follows:

“L. No developer may make payment in lieu of constructing affordable units on site, except for fractional units, as noted in Paragraph C, above.”

BE IT FURTHER ORDAINED, that if any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction 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 and shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency; and

BE IT FURTHER ORDAINED, that a copy of this Ordinance has been referred to the Planning Board following its introduction for review pursuant to N.J.S.A. 40A:55D-26; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon its passage and as otherwise provided for by law. The provisions of this Ordinance shall be applicable within the entire Township upon final adoption and shall become a part of the Code of the Township of Mount Holly once completed and adopted.

FIRST READING: January 3, 2023

Councilmember	Motion	2 nd	Yea	Nay	Recuse	Abstain	Absent
T. Astor				X			
L. Brown	X		X				
K. Burkus				X			
J. Jones		X	X				
C. Banks			X				

SECOND READING: April 10, 2023

Councilmember	Motion	2 nd	Yea	Nay	Recuse	Abstain	Absent
T. Astor			X				
L. Brown		X	X				
K. Burkus			X				
J. Jones	X		X				
C. Banks			X				

TOWNSHIP OF MOUNT HOLLY

CHRIS BANKS, Mayor

ATTEST:

SHERRY MARNELL, Township Clerk

PUBLIC NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced and passed at a meeting of the Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey, held on the **3rd day of January 2023**, and will be considered for final passage after a public hearing at a meeting of the Township Council of the Township of Mount Holly to be held on the **10th day of April 2023**.

SHERRY MARNELL, Township Clerk

CERTIFICATION OF ADOPTION

I HEREBY CERTIFY that the foregoing Ordinance was approved for final adoption by the Mayor and Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey, at a regular meeting on the **10th day of April 2023**.

SHERRY MARNELL, Township Clerk