

**BOROUGH OF MENDHAM**

**ORDINANCE O9-2026**

**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 215  
“ZONING” OF THE CODE OF THE BOROUGH OF MENDHAM TO ADD A NEW  
ARTICLE XXI ENTITLED “BERNARDSVILLE ROAD AFFORDABLE HOUSING  
OVERLAY ZONE” TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING  
ACT AND TO COMPLY WITH THE BOROUGH’S ROUND FOUR AFFORDABLE  
HOUSING OBLIGATIONS**

**WHEREAS**, the New Jersey Supreme Court, through its decisions in Southern Burlington County NAACP v. Mount Laurel, 67 N.J. 151 (1975)(“*Mt. Laurel I*”), and Southern Burlington County NAACP v. Mount Laurel, 92 N.J. 158 (1983)(“*Mt. Laurel II*”), has determined that municipalities have a constitutional obligation to affirmatively provide, through their local land use regulations, a realistic opportunity for the construction of good and decent affordable housing for low-and moderate-income families; and

**WHEREAS**, in *Mt. Laurel I* the New Jersey Supreme Court held that a municipality can satisfy its constitutional obligation by adopting or amending its local zoning ordinances to affirmatively provide a realistic opportunity for an appropriate variety and choice of housing, including for the construction of the municipality’s fair share of the present and future regional need for low-and moderate-cost housing; and

**WHEREAS**, in *Mt. Laurel II* the New Jersey Supreme Court reaffirmed this constitutional obligation, and explained that whether an opportunity is realistic “depend[s] on whether there is in fact a likelihood—to the extent economic conditions allow—that the lower income housing will actually be constructed [;]” and

**WHEREAS**, in *Mt. Laurel II*, the New Jersey Supreme Court further held that municipalities, at the very least, must remove all municipally created barriers to the construction of their faire share of lower income housing that are not necessary to protect the public health and safety to the extent necessary to meet the municipality’s prospective fair share of affordable housing; and

**WHEREAS**, the above and several additional subsequent decisions of the New Jersey Supreme Court have since come to be known as the *Mount Laurel* doctrine; and

**WHEREAS**, in response to *Mt. Laurel I* and *Mt. Laurel II*, New Jersey Legislature adopted the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (the “FHA”), which has since been amended in March 2024 by P.L. 2024, c.2; and

**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-2”) which governs how municipalities must comply with their affordable housing obligations for the Fourth Round (2025-2035); 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 come into compliance with the FHA-2 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 Borough of Mendham ("Borough") timely filed a declaratory judgment action with the Program on January 29, 2025, which is entitled In re Borough of Mendham, Docket No.: MRS-L-254-25 (Borough's "2025 Action"); and

**WHEREAS**, on May 2, 2025 Morris/Sussex County Mount Laurel Judge, the Honorable Janine M. Allen, J.S.C., issued an Order in the Borough's 2025 Action fixing the Borough's Fourth Round pre-credited/unadjusted Present Need Obligation at "0" and gross Prospective Need Obligation at "124" and which such Order directed the Borough to adopt its Fourth Round Housing Element and Fair Share Plan and upload same to the Program on or before June 30, 2025; and

**WHEREAS**, in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2, and the Order issued by Judge Allen, the Borough's Planner prepared the Borough's Fourth Round Housing Element and Fair Share Plan ("2025 HEFSP"); and

**WHEREAS**, on timely prior notice to the public, on June 17, 2025, the Borough of Mendham Joint Land Use Board adopted the Borough's 2025 Housing Element and Fair Share Plan following a public hearing thereon in accordance with all applicable laws, and on June 26, 2025 the Mayor and Borough Committee adopted a resolution endorsing the 2025 HEFSP; and

**WHEREAS**, the Borough timely filed the 2025 HEFSP with the Program prior to June 30, 2025 in accordance with the requirements and deadlines set forth within the FHA-2; and

**WHEREAS**, thereafter Fair Share Housing Center (FSHC) and Accordia Realty Venture, LLC ("Accordia"), (collectively "Challengers") filed a timely challenge to the Borough's 2025 HEFSP; and

**WHEREAS**, the Borough subsequently participated in good faith in the Program process established under FHA-2 to address the various challenges to the Borough's 2025 HEFSP, including settlement conferences before Program Judge the Honorable Stephan C. Hansbury, J.S.C. (Ret.) on October 17, 2025 and November 14, 2025, which did not result in a settlement of the challenges; and

**WHEREAS**, a session hearing was held before Program Judge Hansbury on December 17, 2025 with respect to the challenges; and

**WHEREAS**, on December 19, 2025, Judge Hansbury issued a Program Decision Recommendation wherein Judge Hansbury recommended an Order be issued by Judge Allen finding the Borough's 2025 HEFSP be deemed not in compliance with the FHA-2 and the Mount Laurel doctrine, the Challenges be upheld, and revoked the Borough's immunity from exclusionary zoning unless the Borough agreed to remove any requirement for senior rentals and a conservation easement with respect to Accordia's proposed project before January 1, 2026 in order for the Borough's immunity to be restored, and further directed the Borough to timely amend its 2025 HEFSP to reflect such changes and if the Borough should otherwise fail to do so, recommended the Court revoke the Borough's immunity from exclusionary zoning litigation; and

**WHEREAS**, in accordance with the Judge Hansbury's directions and on prior authorization from Borough Council, on December 24, 2025 the Borough's Attorney submitted correspondence to the Program advising that the Borough was in agreement to remove the age restriction and conservation easement conditions associated with the Accordia's project; and

**WHEREAS**, on January 6, 2026, Program Judge Hansbury issued an Amended Program Decision Recommendation wherein Judge Hansbury authorized the reinstatement of the Borough's temporary immunity from exclusionary zoning, and directed the Borough to timely amend its 2025 HEFSP to reflect such changes and which further recommended that Judge Allen allow the parties to resolve any remaining issues and enter into an agreement, if the Borough and the Challengers' remaining issues could not be resolved, Judge Hansbury recommended the Court revoke the Borough's immunity from exclusionary zoning litigation; and

**WHEREAS**, on March 3, 2026 the Honorable Janine M. Allen, J.S.C. held a case management conference with counsel of record for the Borough and the Challengers, and thereafter issued an Order in the Borough's 2025 Action extending the deadline for the Borough to adopt its amended Housing Element and Fair Share Plan and all implementing ordinances and resolutions to April 30, 2026 in order for ongoing settlement discussions to take place; and

**WHEREAS**, on timely prior notice to the public, on March 3, 2026, the Borough of Mendham Joint Land Use Board adopted the Borough's "2026 Amended Housing Element and Fair Share Plan" ("Amended Fourth Round HEFSP" or "Amended HEFSP") 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. which was subsequently endorsed by the Borough Council on April 15, 2026;

**WHEREAS**, this Ordinance seeks to implement the above recommendation of the Program Judge, the 2026 Amended HEFSP and address the multitude of public comments received by the Borough Council and Joint Land Use Board.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Mendham, in Morris County, New Jersey, that Chapter 215 of the Code of the Borough of Mendham entitled “Zoning” is hereby amended and supplemented to add Article XXI, Section 215-89 entitled “Bernardsville Road Affordable Housing Overlay Zone” as follows:

**SECTION 1.** A new section entitled “Article XXI, Section 215-89 Bernardsville Road Affordable Housing Overlay Zone (B-AHO) Zone” is added to Chapter 215 as follows:

**§215-89 Purpose.**

The purpose of the Bernardsville Road Affordable Housing Overlay (B-AHO) Zone is to create a realistic opportunity for the construction of low- and moderate-income housing in Mendham on land that is available for development, thereby addressing the Borough’s fair share housing obligation under the New Jersey Fair Housing Act and constitutional obligations to provide affordable housing. This Overlay Zone is implemented pursuant to N.J.A.C. 5:93-4.3(b) whereby a municipality granted a durational adjustment for lack of water or sewer shall be required to apply overlay zoning which permits inclusionary development if adequate water and/or sewer become available to serve the site.

It is the intent of this ordinance to foster the subdivision of the property located at Block 2301 Lot 13 and having an address of 350 Bernardsville Road (“Property”) to create two lots, the first of which is to contain the former and currently vacant Motherhouse (“Old Motherhouse”) that will be rehabilitated and repurposed into an inclusionary housing development pursuant to the Borough’s amended Round Four Housing Element and Fair Share Plan (hereinafter referred to as the “Inclusionary Lot”) and will consist of approximately 23 acres. The second lot will comprise the remainder of the site, inclusive of the current Motherhouse (“New Motherhouse”) that has been occupied by the Sisters of Christian Charity since 2018 (hereinafter referred to as the “Religious Campus Lot”) and will consist of approximately 86 acres.

**§215-90 Location.**

The B-AHO Zone applies to Block 2301, Lot 13.

**§215-91 Applicability and subdivision.**

- A.** The Inclusionary Lot shall include the Old Motherhouse and its associated surface parking area, the entry drive from Hilltop Road, and the multiple existing outbuildings, which include but are not limited to residences, barns, and garages (collectively the “Existing Outbuildings”).
- B.** The Religious Campus Lot shall be the remainder of Block 2301 Lot 13 and include the New Motherhouse and its associated improvements, the entry drive from Bernardsville

Road, as well as the building known as Villa Pauline.

- C. The B-AHO Zone applies to the entire Property for the purposes of subdivision; however, the Inclusionary Lot and Religious Campus Lot shall be subject to the provisions set forth herein.

**§215-92 Permitted uses.**

**A. Permitted principal uses for the Inclusionary Lot.**

1. Multifamily dwelling units within an inclusionary development, pursuant to the affordable housing standards in Section 215-94, up to a maximum of 150 total units. Such development shall be permitted through the adaptive reuse of the Old Motherhouse building, along with selective demolition and/or a new addition to such building in general conformance with the plan attached hereto as Exhibit A. The bedroom mix of the affordable units shall be subject to the most recent provisions of the Uniform Housing Affordability Controls (“UHAC”) (N.J.A.C. 5:80-26.1 et seq) in effect at the time of site plan approval. The market rates units may include studios/efficiency, one-bedroom, two-bedroom, and/or three-bedroom units.
2. Existing wireless communication equipment situated in the Old Motherhouse, subject to the Developer providing adequate proofs to the Joint Land Use Board that the existing communications equipment meets applicable FCC and NJDEP radio frequency exposure limits with respect to the future occupants of the Inclusionary Lot in accordance with §215-101.F.1.

**B. Accessory uses for the Inclusionary Lot.**

1. Uses and structures customarily incidental to permitted principal uses, including but not limited to residential/recreational amenities, tenant/property storage areas, maintenance buildings, stormwater management improvements, wastewater treatment facilities, structured parking, etc.
2. Existing Outbuildings as accessory to the Inclusionary Lot and/or the Religious Campus Lot.

**C. Permitted principal uses, and Accessory uses for Religious Campus Lot**

1. Those specified in the 5-Acre Residence and Religious Campus Zone, Section 215-13.1 of the Mendham Borough Zoning Ordinance.
2. Existing Outbuildings as accessory to the Religious Campus Lot.

**§215-93 Zone standards.**

A. Area and bulk requirements for the Inclusionary Lot are as follows:

<b>B-AHO Zone Bulk Standards for the Inclusionary Lot</b>	
<b>Lot Bulk Standards:</b>	
Minimum lot area	20 acres, exclusive of any right-of-way dedication
Maximum building coverage	15%
Maximum lot coverage	35%
<b>Bulk Standards Associated with Inclusionary Development:</b>	
Maximum number of new residential units for inclusionary development	150 units
Minimum setback from Hilltop Road to principal structures for inclusionary development	200 feet
Minimum setback from all other property lines to principal structures for inclusionary development	40 feet
Minimum setback from all property lines for accessory structures for inclusionary development	25 feet
Maximum building height for new construction for principal structures for inclusionary development	The ridge line of new construction shall not exceed that of the existing building to which it is attached.
Maximum building height for accessory structures for the inclusionary development	35 feet
<b>Bulk Standards Associated with Existing Outbuildings:</b>	
Minimum setback of outbuildings from Hilltop Road	75 feet. Where non-conforming structures exist, such structure is permitted to remain and/or expand, provided any expansion does not bring the structure closer to Hilltop Road. Such expansion shall be limited to no more than a 10% increase of the existing footprint for the structure at the time of adoption of the ordinance.

Minimum setback to all other property lines for outbuildings	40 feet
Maximum building height for new construction for outbuildings	The ridge line of new construction shall not exceed that of the existing building to which it is attached, or in the case of replacement, the ridge line of the new building shall not exceed that of the existing building as measured immediately prior to demolition.

**B. Area and bulk requirements for the Religious Campus Lot are as follows:**

1. The Religious Campus Lot shall be subject to area and bulk requirements applicable to the 5-Acre Residence and Religious Campus Zone, with the following exceptions:
  - i. The maximum density of persons: the lesser of 2.3 persons per acre or 196 persons for the entirety of Religious Campus Lot.
  - ii. Minimum setback for accessory structures from a side lot line: 50 feet

**§215-94 Affordable housing requirements.**

- A. Not less than 20% of the total number of units shall be affordable to very-low, low- and moderate-income households. When computation of the affordable housing set-aside percentage results in a fractional unit or decimal, the total set-aside requirement shall be rounded upwards to the next whole number such that the developer shall be required to provide a full additional affordable unit on site.
- B. Any affordable housing units within the B-AHO Zone must meet all standards for affordable housing, including but not limited to the income limits and income eligibility requirements, affordability average, bedroom distribution, phasing, occupancy standards, affirmative marketing, price/rental restrictions, limits on indebtedness, affirmative marketing requirements, and administration requirements found in the most current Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and the Borough's Affordable Housing Ordinance in effect at the time of site plan approval.
- C. The control period for each affordable for-sale unit shall be for a period of at least thirty (30) years calculated from the date the initial certified household takes title to the unit. The control period for each affordable rental unit shall be for a minimum period of at least forty (40) years as calculated from the date the initial certificate of occupancy is issued for each specific affordable unit, respectively following execution of the deed restriction. At the end of the initial control period, the Borough shall retain the right to

extend the minimum control period for each affordable for-sale unit and affordable rental unit for an additional period of time in accordance with then applicable law.

- D. All affordable controls shall be embodied in a deed restriction and/or declaration of restrictive covenants approved by the Borough's municipal housing liaison and municipal attorney.

**§215-95 Parking Vehicular Access standards.**

- A. Parking for the inclusionary development on the Inclusionary Lot shall be provided at a minimum ratio of 1.5 spaces per unit. This requirement may be met through a combination of structured and surface parking.-
- B. Parking stalls for the Inclusionary Lot shall be a minimum of nine feet wide by 18 feet long.
- C. Electric vehicle charging stations shall be provided pursuant to P.L. 2021, c.171.
- D. Residents of the inclusionary development shall access the Inclusionary Lot from the Hilltop Road entrance only. Emergency vehicles shall have unimpeded access across both lots.
- E. The existing driveway entrance from Hilltop Road is permitted to remain and provide access to the Inclusionary Lot.
- F. The width of the driveway at the narrowest point where the existing columns are located shall be 15 feet, with the driveway entering into the site past the columns to expand from a width of 15 feet to 18 feet where space allows in relation to the existing stone walls. The remaining sections of the driveway shall maintain a width of 20 feet from the end of the expanded portion to the main building. No parking shall be permitted along the access drive.

**§ 215-96 Buffer requirements.**

- A. A 40-foot-wide buffer area shall be provided along the Hilltop Road frontage of the Inclusionary Lot. No new development may occur within this buffer area, including below grade wastewater recharge beds. Renovations or expansions of existing outbuildings are permitted in accordance with the bulk table in §215-93 and shall be subject to §215-101C. Improvements to the entry driveway and new signage developed in accordance with this Chapter are exempt from this buffer requirement.
- B. Within the 40-foot buffer area, landscaping shall be provided through a mix of evergreens and deciduous trees. The landscaped area shall be suitable for its function of site enhancement, screening, and control of climatic effects.
- C. The landscape buffer design should retain any existing vegetation which is of high quality and appropriate density.
- D. Where existing vegetation is unsuitable, it shall be augmented or replaced by new

plantings in accordance with a landscape plan submitted to and approved by the Joint Land Use Board.

**§215-97 Landscaping requirements.**

Landscaping of the Inclusionary Lot must be provided to promote a desirable and cohesive natural environment for residents and neighboring properties. Existing mature landscaping should be supplemented as needed to screen new parking and to provide windbreaks for winter winds and summer cooling for buildings, streets, and parking, according to the following standards:

- A. All landscaping must have a two-year maintenance guarantee. If any planting material dies within two years of planting, it must be replaced the following planting season.
- B. Tree and shrub replacement. All tree and shrub replacement for the Inclusionary Lot shall not be governed by Chapter 202 but instead shall be subject to §215-96 above and the following requirements. A limit of disturbance line shall be established during the review of an application for development, taking into account grading, utility placement, and anticipated construction activities. Within the area encompassed by the limit of disturbance, there shall be no requirement for the replacement of trees. Within the area to be disturbed by construction activities, the developer shall liberally install trees, shrubs, and groundcover in accordance with a landscape plan submitted to and approved by the Joint Land Use Board.
- C. Native plants required. In the design of the landscaping plan, no non-native or invasive species of plants shall be used.
- D. Landscaping should be used to accent and complement buildings and provide for climate control.

**§ 215-98 Signage.**

The following sign standards shall apply to the Inclusionary Lot:

- A. Monument signs.
  - 1. Definition: A sign permanently affixed, anchored, or secured to the ground with the bottom of the sign at ground level or affixed to a base located on the ground.
  - 2. One permanent two-sided monument sign is permitted at the Hilltop Road entrance to the Inclusionary Lot, identifying the inclusionary development and its address.
  - 3. One permanent two-sided monument sign is permitted at or near the Inclusionary Lot building's main entrance. The purpose of this sign is to provide building identification while not detracting from the architectural integrity of the building. Such sign shall be oriented internal to the site so that it is not visible from the public right-of-way or off-tract neighbors.

4. Monument signs shall not exceed six feet in height measured from the average grade at the base of the sign.
  5. Monument sign area shall not exceed 25 square feet per side, exclusive of any base or structural area.
  6. Monument signs shall be setback 8 feet from the front property line.
  7. Monument signs may be externally illuminated with ground mounted lighting that is shielded to direct light on to the sign surface.
- B. Directional signs are permitted interior to the Inclusionary Lot to provide internal wayfinding for residents and guests. Directional signs shall have a sign area of less than four square feet, shall not be illuminated, and shall be placed in such a manner as not to constitute a hazard to the public.
- C. One entry canopy identification sign shall be permitted at the building's main entrance. Such sign shall be oriented internal to the site so that it is not visible from the public right-of-way or off-tract neighbors. Such sign may be channel-cut letters not to exceed 12" in height.

**§215-99 Lighting Requirements.**

- A. All lighting shall meet §195-47 of the Mendham Borough Code.
- B. The entrance driveway from Hilltop Road shall be illuminated with either freestanding light poles, light bollards, or by way of reflectors, either on the pavement or on posts offset from the pavement, to mark the edges of the driveway.

**§215-100 Building Rehabilitation.**

- A. The Old Motherhouse shall be maintained and rehabilitated to accommodate the inclusionary development. Appropriate and selective demolition of elements may occur, including but not limited to any components that are deteriorated beyond repair and the chapel wing, which was added to the structure in the 1950s.
- B. Building additions and renovations to the Old Motherhouse are permitted and should be designed in an architecturally sensitive manner, intended to complement the existing structure.

**§215-101 Supplemental regulations.**

- A. General.
  1. Should there be any discrepancy between this Ordinance and any section of the Borough's Revised General Code, this Ordinance shall govern with respect to the Inclusionary Lot only.
- B. Wireless Communication Antenna.

1. The existing wireless communication antennas that are located within the Old Motherhouse are permitted to remain in accordance with the conditions of their original approval subject to the Developer providing adequate proofs to the Joint Land Use Board in accordance with §215-101.F.1.

**C. Existing Outbuildings.**

1. The Existing Outbuildings shall be permitted to continue the uses that are in effect as of the date of the adoption of this ordinance.
2. The Existing Outbuildings shall be permitted to remain in their existing locations and configurations.
3. Each Existing Outbuilding may be replaced or expanded, provided that such expansion or replacement structure shall not increase the footprint of the Existing Outbuilding by more than 10%, as measured from the date of original adoption of this ordinance. Any such expansion or replacement of an Existing Outbuilding shall not exceed the height of the Existing Outbuilding, as measured at the time of original adoption of this ordinance; and nothing herein shall be read or construed to permit an increase in the height of an Existing Outbuilding.
4. Any such expansion or replacement of an Existing Outbuilding shall be subject to, and be in full compliance with, the bulk standards found herein above for Existing Outbuildings.
5. The Existing Outbuildings shall be permitted to be used for accessory uses customarily incidental to the operations on the Religious Campus Lot or accessory uses customarily incidental to the inclusionary development on the Inclusionary Lot. Notwithstanding same, the Existing Outbuildings shall not be used or converted for use as vehicular parking or recreational amenity space.
6. No new residential units may be added to the Existing Outbuildings.

**D. Accessory Uses and Buildings.**

1. Accessory buildings may be situated in front of the principal structure of the Inclusionary Lot pursuant to the setback standards found herein. (i.e. an accessory building may sit between the principal structure and Hilltop Road).
2. Utilities, wastewater treatment and disposal systems as well as stormwater management features may extend into setback areas.

**E. Steep Slopes.** The following shall govern steep slope disturbance on the entire Property inclusive of both the Inclusionary Lot and the Religious Campus Lot. The steep slope regulations of this section shall be applied against future improvements to the Property.

1. The maximum permitted disturbance for slopes 25% to 29.99% shall be 10% of

the slope area of the Property, and the maximum permitted disturbance for slopes 30% and greater shall be 7% of the slope area of the Property.

2. With the exception of §215-101.E.1. above, all other standards of Ordinance Section 215-12.4C are applicable.

F. Exemptions. The following sections of the Mendham Borough Code shall not apply to the Inclusionary Lot only:

1. Section 215-12.6. Wireless telecommunications technology, except that Developer shall submit competent documentary proof that the pre-existing cell antenna's operation is in compliance with applicable FCC and NJDEP radio frequency exposure limits with respect to the future occupants of the Inclusionary Development as part of its application to the Joint Land Use Board. The Joint Land Use Board may retain its own consultant to review and opine upon the report to be submitted by the Developer.
2. Section 195-45.K(2) Concrete Sidewalks. Instead, the developer will ensure that there is adequate pedestrian access to all entrances and amenities of the development.-
3. Section 195-46. Off-street loading requirements. Instead, one loading space shall be provided.
4. Section 205-6 Tree removal standards. Instead, the developer will be bound by Sections 215-96 and 215-97.

**§ 215-102 Other requirements remain in effect.**

All other regulations and requirements of the underlying zone not in conflict with these provisions shall remain in effect.

**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 Borough of Mendham, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Mendham are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**SECTION 4.** The Borough Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the 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.

**SECTION 5.** After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Joint Land Use Board of the Borough of Mendham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Joint Land Use Board is

directed to make and transmit to the Borough 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.** Upon the adoption of this Ordinance after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

**SECTION 7.** This ordinance shall take effect upon publication and in accordance with the law.

MAYOR & BOROUGH  
COUNCIL OF THE BOROUGH  
OF MENDHAM

ATTEST:  
  
Lauren McBride, Borough Clerk

By:   
James R. Kelly, Mayor

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C E R T I F I C A T I O N

I, Lauren McBride, Borough Clerk of the Borough of Mendham in the County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of said Borough on the 24th day of June 2026, at a meeting, duly convened, of said Body.

  
Lauren McBride, Borough Clerk