

**BOROUGH OF MENDHAM**

**ORDINANCE 01-2026**

**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**, in 2024 the New Jersey Legislature amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D301 et seq. through the adoption of P.L. 2024, c.2 (“FHA”); and the Borough; 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**, the Mayor and Borough Council of Mendham endorsed the 2025 Round Four Housing Element and Fair Share Plan (the “HEFSP”) adopted by the Borough of Mendham Joint Land Use Board on June 17, 2025; and

**WHEREAS**, the Borough of Mendham Joint Land Use Board subsequently adopted the 2026 Round Four Housing Element and Fair Share Plan; and

**WHEREAS**, the HEFSP recommends an affordable housing overlay zone at Block 2301, Lot 13, 350 Bernardsville Avenue to comply with Fourth Round requirements and recent State statutory and regulatory law; and

**WHEREAS**, this Ordinance seeks to implement the above recommendation of the HEFSP; and

**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:

Bernardsville Road Overlay Zone (B-AHO)  
Mendham Borough, Morris County

**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 applied 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 into an inclusionary housing development pursuant to the Borough’s amended Round Four Housing Element and Fair Share Plan (“Inclusionary Lot”). 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 (“Religious Campus Lot”).

**§ 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”). The Religious Campus Lot shall include the New Motherhouse and its associated improvements, the entry drive from Bernardsville Road, as well as the building known as the Village Pauline.
- B.** 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 set forth herein.

**§ 215-92 Permitted uses.**

- A.** Multiple principal uses/buildings shall be permitted on both the Inclusionary Lot and the Religious Campus Lot.
- B.** Permitted principal uses for the Inclusionary Lot.

Bernardsville Road Overlay Zone (B-AHO)  
 Mendham Borough, Morris County

1. Multifamily dwelling units within an inclusionary development, pursuant to the affordable housing standards below, 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 provisions of the Uniform Housing Affordability Controls (“UHAC”) (N.J.A.C. 5:80-26.1 et seq). The market rates units may include studios/efficiency, one-bedroom, two-bedroom, and/or three-bedroom units.
2. Existing Outbuildings.
3. Existing wireless communication equipment situated in the Old Motherhouse. See Section 215-101.B below.

C. 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.

D. 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.

**§ 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

Bernardsville Road Overlay Zone (B-AHO)  
Mendham Borough, Morris County

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.
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.

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

- 1.** Pursuant to the 5-Acre Residence and Religious Campus Zone with the following exceptions:
  - i.** The maximum density of persons per acre: 2.0
  - 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 low- and moderate-income households. Any computation resulting in a fraction of less than 0.5 shall be rounded down;

Bernardsville Road Overlay Zone (B-AHO)  
Mendham Borough, Morris County

any computation resulting in a fraction of more than 0.5 shall be rounded up. Said low- and moderate-income housing units shall be constructed on site.

- B.** Any affordable housing units within the B-AHO Zone must meet standards for affordable housing administration found in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and the Borough's Affordable Housing Ordinance.

**§ 215-95 Parking 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 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 retain its existing dimensions.

**§ 215-96 Buffer requirements.**

- A.** The perimeter buffer shall be a minimum width of 50 feet.
- B.** The minimum landscaped width shall be 20 feet and suitable for its function of site enhancement, screening, and control of climatic effects.
- C.** The landscape buffer design should retain 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 must be provided to promote a desirable and cohesive natural environment for residents and neighboring properties. Landscaping must also be utilized to screen parking and provide windbreaks for winter winds and summer cooling for buildings, streets, and parking, according to the following standards:

Bernardsville Road Overlay Zone (B-AHO)  
Mendham Borough, Morris County

- 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. 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 redeveloper shall liberally install trees, shrubs, and groundcover in accordance with a landscape plan submitted to and approved by the Planning 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.**

- A. One permanent two-sided freestanding sign is permitted at the Hilltop Road entrance, identifying the inclusionary development and its address. Such sign may be a monument sign pursuant to the following definition:
  - 1. 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.
- B. The freestanding sign shall not exceed six feet in height measured from the average grade at the base of the sign.
- C. The freestanding sign area shall not exceed 25 square feet per side, exclusive of any base or structural area.
- D. The freestanding sign shall be setback 8 feet from the front property line.

**§215-99 Lighting Requirements**

- A. All lighting shall meet §195-57.5 Outdoor Lighting of the Mendham Borough Code.

**§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.

Bernardsville Road Overlay Zone (B-AHO)  
Mendham Borough, Morris County

- 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.

**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 except as modified herein.

**C. Existing Outbuildings.**

- 1. The Existing Outbuildings are permitted to remain in their existing locations and configurations and may expand pursuant to the bulk standards found herein.

**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. The Existing Outbuildings may be used for accessory purposes by either the Inclusionary or Religious Campus Lot for accessory purposes.
- 3. Utilities, wastewater treatment and disposal systems as well as stormwater management features may extend into setback areas.

- E. Exemptions. In an effort to reduce or eliminate potential cost generative features from affordable housing as required by N.J.A.C. 5:97-10.1, the following sections of the Mendham Borough Code shall not apply:

Bernardsville Road Overlay Zone (B-AHO)  
Mendham Borough, Morris County

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.

**§ 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

Bernardsville Road Overlay Zone (B-AHO)  
Mendham Borough, Morris County

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.

INTRODUCED: 2/18/2026

ADOPTED: XXX

MAYOR & BOROUGH COUNCIL OF  
THE BOROUGH OF MENDHAM

ATTEST:

\_\_\_\_\_  
Lauren McBride, Borough Clerk

By: \_\_\_\_\_  
James R. Kelly, Mayor