

**BOROUGH OF LAKE COMO**  
**COUNTY OF MONMOUTH, STATE OF NEW JERSEY**  
**ORDINANCE 2026-1**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17  
 (“DEVELOPMENT REGULATIONS”), SECTION 9.3 (“GENERAL BUSINESS”) OF  
 THE BOROUGH CODE OF THE BOROUGH OF LAKE COMO TO CREATE THE MU-  
 AH MIXED USE – AFFORDABLE HOUSING OVERLAY ZONE**

**WHEREAS**, the Borough Council of the Borough of Lake Como has determined that it is in the best interests of the community to revise portions of its existing Borough Code concerning zoning regulations in order to establish and codify an inclusionary Mixed-Use Affordable Housing Overlay Zone; and

**WHEREAS**, the Borough of Lake Como has sought, to the best of its ability as a built-out municipality with limited vacant land, to meet the intent and spirit of the Affordable Housing process by preparing and adopting a Housing Element and Fair Share Plan, participating in court-  
led settlement proceedings, and reviewing its land use ordinances; and

**WHEREAS**, the Borough is subject to the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and its constitutional obligation to provide a realistic opportunity for the construction of its fair share of low- and moderate-income housing; and

**WHEREAS**, the Borough has adopted a Housing Element and Fair Share Plan addressing its affordable housing obligation; and

**WHEREAS**, the Borough Council has determined that establishment of a targeted inclusionary overlay zoning district in proximity to public transit and mixed-use commercial corridors will enable redevelopment with mandatory affordable housing set-asides; and

**WHEREAS**, the Borough previously adopted the GB General Business Zone within chapter 17, and the Borough Council finds that establishing and codifying the Mixed Use-Affordable Housing Zone will allow the Borough to accommodate additional residential development along Main Street while preserving its substantive standards; and

**WHEREAS**, the Borough Council finds that this codification advances the purposes of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), including promoting the general welfare and providing sufficient space in appropriate locations for residential uses according to population needs; and

**WHEREAS**, the Borough Council has determined that it is in the best interests of the public health, safety, and welfare to amend Chapter 17, Section 9.3, as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Lake Como, County of Monmouth, State of New Jersey, as follows:

## **Purpose**

This Affordable Housing Overlay Zone is intended to create realistic opportunities for the construction of low-and moderate-income housing in the Borough in conjunction with retail and commercial uses.

The Overlay Zone established herein supplements the regulations of the underlying zoning district. Where the provisions of an Overlay Zone impose standards that differ from those of the underlying district, the Overlay Zone standards shall control.

### **A. MU-AH Mixed Use-Affordable Housing Overlay Zone**

#### **1) Geographic Parameters**

- i. The MU-AH Mixed Use-Affordable Housing Overlay Zone shall apply exclusively to the following tax parcels located on Main Street within the existing GB-General Business Zone District:

Block 10, Lots 1, 39, 41, and 42; Block 11, Lots 1, 2, 3, 4, and 5;  
Block 12, Lots 1 and 42; Block 13, Lots 1,37, 38, 39, 40, 41; Block  
22, Lots 1, 2, 3, 4, 5, 6, 7, 9, and 10; Block 24, Lots 1, 2, 3, 4, 5, 6,  
10, 11, and 37; Block 31, Lots 1, 26, and 28; Block 32, Lot 31.

#### **2) Principal Permitted Uses**

- i. Principal permitted uses shall include all permitted and conditional uses in the underlying zoning district and shall additionally permit inclusionary housing development.
- ii. Affordable housing development may include mixed-use buildings with commercial, restaurant, retail, or office space on the ground floor and residential development on upper floors; and/or multifamily residential developments; together with customary accessory uses.

#### **3) Affordable Housing Requirement**

- i. A mandatory affordable housing set-aside of twenty percent (20%) of the total dwelling units shall be required, with a minimum of one (1) affordable unit. Any fractional unit shall be rounded up.

#### **4) Bulk and Design Standards**

Minimum lot area: seven thousand (7,000) square feet.

Minimum lot frontage: fifty (50) feet.

Minimum rear yard setback: twenty (20) feet.

Minimum front yard setback: zero (0) for retail and mixed-use buildings fronting Main Street. Additional streets in the zone must meet twenty (20) feet or the prevailing setback, whichever is less, on additional streets.

Minimum side yard setback: five (5) feet on each side.

The minimum side and rear setback requirements for any proposed mixed-use structure adjacent to a single-family residential zone is twenty (20) feet.

Maximum structure height: thirty-five (35) feet, not to exceed three stories. The

maximum height to the roof line at the front facade is 30 feet, with an exception that a maximum of 25% of the facade may be allowed to extend to the maximum thirty-five (35) foot building height to allow for architectural details, that will add distinct style and variety to the structures facade.

Maximum lot coverage of principal and accessory structures: seventy (70%) percent.

Off-street parking: the parking shall conform to the requirements of the Residential Site Improvement Standards (RSIS).

**5) Accessory Structures**

- i. No Accessory structures shall be permitted in the front yard setback

Minimum Side Yard Setback: 5 feet

Minimum Rear Yard Setback: 5 feet

Maximum Height: 1 story/ 15 feet

**6) Parking**

- i. Commercial Uses: As required by ordinance.
- ii. Residential Uses: Residential Site Improvement Standards (RSIS), N.J.A.C.5:21.

**SO ORDAINED as aforesaid.**

**NOTICE**

**Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Lake Como Borough Council held on April 1, 2025. Said Ordinance will again be read and considered for final passage at a meeting of the Lake Como Borough Council to be held at 7:30 p.m. on April 15, 2025 at 1740 Main Street, Lake Como, New Jersey 07719. At said time and place, all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.**

**AMY L. BONEY, RMC, Borough Clerk**