

ORDINANCE NO. 15, 2018

AN ORDINANCE AMENDING CHAPTER 277 ZONING OF THE CODE OF THE CITY OF LINWOOD AND CREATING AFFORDABLE HOUSING OVERLAY ZONES THROUGH MIXED USE ZONING AND MIXED USE/RESIDENTIAL ZONING AND AMENDING THE ZONING MAP OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HERewith.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: The City of Linwood as a municipality that received Substantive Certification from COAH, has been determined to be a “participating municipality” pursuant to In re Adoption of the N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV).

Linwood is desirous of securing a Final Judgment of Compliance and Repose through 2025 and has prepared a Housing Element and Fair Share Plan (“FSP”) to achieve this goal. Linwood lacks adequate land resources to fully satisfy its estimated affordable housing obligation of 112 affordable housing units. According to the Superior Court approved Settlement Agreement, Linwood’s Realistic Development Potential is 12 affordable housing units and its Unmet Need obligation is 112 affordable housing units.

SECTION 2: Linwood is constitutionally obligated to provide a reasonable opportunity to comply with its affordable housing obligation. Creating two new affordable housing zones creates a reasonable opportunity for the construction of affordable housing. The zones shall be as follows:

Affordable Housing Overlay Zone I: Mixed-Use Zoning shall specifically be allowed on the following Blocks and Lots:

Block 1, Lots 43.01 and 46.02;

Block 6, Lot 24; and

Affordable Housing Overlay Zone II: Mixed-Use/Residential Zoning shall specifically be allowed on the following Blocks and Lots:

Block 1, Lots 24, 29.01, 29.02, 32.01, 32.02, 33, 34, 35, 36, 37, 38, 39, 43.02, 46.01, 47 and 48.

Block 6, Lots 25, 26, 36 and 40.

Block 19, Lots 5, 6 and 7.

SECTION 3: Article III. Zone Classification and Map is amended as follows:

§277-4. Enumeration of Zones is hereby revised to include:

“For purposes of this article, the City of Linwood is hereby divided into 14 districts as follows” with the following two districts being added:

AHO I Affordable Housing Overlay Zone I

AHO II Affordable Housing Overlay Zone II.

§277-5. Boundaries of zones established is hereby amended as follows:

The Zoning Map of the City of Linwood is and shall be amended to depict and reflect Block 1, Lots 43.01 and 46.02; and Block 6, Lot 24 are and shall be in the Affordable Housing Overlay Zone I. Block 1, Lots 24, 29.01, 29.02, 32.01, 32.02, 33, 34, 35, 36, 37, 38, 39, 43.02, 46.01, 47 and 48; Block 6, Lots 25, 26, 36 and 40; and Block 19, Lots 5, 6 and 7 are and shall be in the Affordable Housing Overlay Zone II.

#### SECTION 4:

Article X. Uses and Supplemental Standards is hereby amended by the inclusion of the following sections and subsections:

##### A. Affordable Overlay Zone I.

This zone shall be Mixed Use Overlay Zoning, which will permit mixed-use development with the first floor required to be commercial, with up to two stories of residential over commercial.

##### B. Affordable Overlay Zone II.

This zone shall be Mixed Use/Residential Zoning, which will permit either mixed-use development with the first floor commercial and up to two stories of residential over commercial OR residential-only development with up to three stories of residential uses and no commercial use required.

C. Both Affordable Overlay Zones will allow development of up to 15 residential units per acre and up to a maximum of up to three stories to accommodate residential units.

D. Approval shall be required for the erection or enlargement of all related accessory structures and prior to issuance of certificates of occupancy for a change of use. Permitted uses are as follows:

(1) Residential market rate and affordable dwelling units specifically including multi-family buildings shall be at the density, height and bulk prescribed herein or in Linwood's Zoning Ordinance and all amendments thereto. Affordable housing units shall be constructed, marketed and deed restricted in strict conformance to Linwood's Affordable Housing Ordinance, Council on Affordable Housing regulations and all requirements contained within the Uniform Housing Affordability Controls as these documents may be amended, revised and supplemented.

(2) Commercial Uses as may be permitted under Linwood's Zoning Ordinance and all amendments thereto.

#### **SECTION 5. Storage permitted.**

No person in the Affordable Housing Site zone shall store, place, deposit, or permit the continuation of storage, placement, or deposit of, upon any premises, any unregistered motor vehicle or any machinery, equipment, lumber, building materials or supplies or parts thereof; provided, however, that unless otherwise prohibited, it shall not be unlawful to store, place or deposit the foregoing items in a fully enclosed structure upon such premises. Nothing herein contained shall be deemed to authorize the erection of a structure or structures not otherwise authorized to be so erected. All other provisions of **§277-18 Storage Restrictions** shall apply.

#### **SECTION 6. Prohibited uses.**

All uses listed in **§277-40.11** are prohibited.

#### **SECTION 7. Performance standards.**

All uses are subject to performance standards as set forth in Chapter 277 Zoning and all other provisions contained in the Linwood Municipal Code.

#### **SECTION 8. Site development plan approval.**

Site development plan approval, in accordance with Chapter 41, Land Use Procedures shall be required prior to the issuance of construction permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

SECTION 9. The following area and bulk standards are applicable in the Affordable Overlay Zone I and in the Affordable Overlay Zone II:

A. Regulations  
Lot area  
Lot frontage

Inclusionary Developments  
10,000 square feet  
100 feet

Lot depth	100 feet
Minimum required	
Front Yards	15 feet
Side Yards	6 feet
Rear Yard	15 feet
Parking	Not permitted in front yard
Maximum Permitted	
Building Height	
Stories	3 stories
Feet	41
Building Coverage (%)	40

**B. Additional Regulations**

- (1) In recognition of the requirement to minimize or remove unnecessary development cost-generating requirements, the following minimum parking standards are applicable in the Affordable Overlay Zones.

Affordable Dwelling Unit	1.25 parking spaces per dwelling.
Market rate Dwelling Unit	RSIS requirements apply
- (2) All developments constructed within the Affordable Overlay Zones shall be structured so that no less than twenty (20) percent of the entire development are COAH credit-worthy units if these units are to be offered for sale. A rental community shall be required to have a fifteen (15) percent affordable housing setaside. No less than fifty (50) percent of all COAH credit-worthy units shall be affordable to low-income households, with 13% of all affordable units available to very low-income family households. The balance can be affordable to moderate-income households.
- (3) Affordable housing in the zones shall be structured so no more than twenty (20) percent of the units are studio or one-bedroom units and no fewer than twenty (20) percent are three-bedroom units. Bedroom count for the remainder of the affordable units is at the discretion of the developer.
- (4) Density for the Affordable Overlay Zones shall be no greater than fifteen (15) units per acre.
- (5) All affordable dwelling units shall be constructed and maintained in compliance with the requirements of the New Jersey Council on Affordable Housing, and the Uniform Housing Affordability Controls before certificates of occupancy will be issued. The developer shall include all facilities required by law which are necessary to be maintained by a COAH certifiable rental or sales unit included as part of an inclusionary development so that COAH restrictions are legally enforceable. Furthermore, all such developments shall conform to the Development Fee Ordinance for Affordable Housing as set forth in the City of Linwood Municipal Code.

SECTION 10: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 11: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 12: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>July 11, 2018</i>
<i>PUBLICATION:</i>	<i>July 16, 2018</i>
<i>PASSAGE:</i>	<i>August 8, 2018</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, July 11, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on August 8, 2018.

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LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

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RICHARD L. DEPAMPHILIS, III, MAYOR