

FIRST READING: February 17, 2026

Ord. No. 70-13

2nd & FINAL READING: March 12, 2026

AN ORDINANCE AMENDING ARTICLE XII OF CHAPTER 31, ZONING, OF THE ORDINANCES OF THE CITY OF LINDEN, TO ESTABLISH THE SOUTH WOOD AVENUE MIXED-USE AFFORDABLE HOUSING INCLUSIONARY ZONE (MU-AH-1) AND TO REZONE BLOCK 459, LOT 2.01 INTO THE MU-AH-1 ZONE

WHEREAS, the Municipal Land Use Law (“MLUL”) of the State of New Jersey, N.J.S.A. 40:55D-1 et seq. grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and

WHEREAS, the City desires to create additional zones in which inclusionary multi-family non-age-restricted housing developments are permitted to be constructed that will include a substantial set-aside of housing units affordable to low and moderate income households in order that Linden may satisfy its constitutional obligation to create such affordable housing, especially its obligation to provide affordable housing that is available for rent; and

WHEREAS, the City finds the area that is proposed to be rezoned is available, suitable, developable and approvable, as those terms have been defined at N.J.A.C. 5:93-1, et seq.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the City of Linden, County of Union, State of New Jersey, as follows:

SECTION ONE. Section 31-3.1, Zoning Districts, of Chapter 31, Zoning, of the Ordinances of the Borough of Linden, is hereby amended to include the following:

MU-AH-1 South Wood Avenue Mixed-Use Affordable Housing Zone

SECTION TWO. Article XII, Reserved, of Chapter 31, Zoning, of the Ordinances of the City of Linden is hereby amended and supplemented by the addition of the following:

§ 31-14 – SOUTH WOOD AVENUE MIXED-USE AFFORDABLE HOUSING ZONE

§ 31-14.1 Purpose: The purpose of this zoning district is to encourage the construction of low- and moderate-income housing by permitting mixed-use commercial development with inclusionary multifamily development subject to the Mixed Use-Affordable Housing Zone regulations enumerated herein. It is further the intent of the zone to promote neighborhood-scale mixed-use development. Large-scale, single-user commercial development is prohibited in this zone. This inclusionary district applies to the following property: Block 459, Lot 2.01.

§ 31-14.2 Principal Permitted Commercial and Residential Uses:

- a. All ground-floor uses permitted in the SA-2 District.
- b. Multifamily residential housing on upper building floors.
- c. Multiple permitted uses may occupy a single building.

§ 31-14.3 Accessory Uses:

- a. Any use which is ordinarily subordinate and customarily incidental to the principal permitted uses allowed in the MU-AH-1 Zone.

§ 31-14.4 Density and Bulk Requirements:

- a. Dwelling Unit Maximum Density. The maximum number of permitted dwelling units shall not exceed 90 units per acre.
- b. It is intended that this zone be developed as a mix of residential and commercial uses to satisfy the City's affordable housing obligation. It is further intended that the zone be developed in a comprehensive and coordinated fashion. Therefore, no development may proceed without a comprehensive development plan that demonstrates that the mix of commercial and residential components, including the affordable housing obligation, as required by this zone, are satisfied.
- c. Required affordable housing set-aside. Any residential development shall be required to provide a minimum of 20% of the total number of units on-site to be constructed as affordable to low- and moderate-income eligible families. Fractions of units shall be rounded up.
- d. Building area, external yard and bulk requirements shall be as follows:
 - a. Minimum lot area (acres): 0.5
 - b. Minimum setbacks from external lot lines (feet) shall be as follows:
 - a) Front yard (South Wood Avenue): 5.
 - b) West Morris Avenue: 5.
 - c) Side yard: 5.
 - d) Rear yard: 15.
- b. Maximum impervious lot coverage (percentage): 90%.
- e. Building Height. 60 feet.
- f. Site Design Requirements. The following site design standards are intended to promote a unified theme, displayed through the application of common building materials to achieve a harmonious and cohesive design. Deviations from this section shall be considered design standard exceptions and not variances and may be granted at the discretion of the Planning Board if doing so is compatible and consistent with the intent and purposes of the zone.

§ 31-14.5 Architectural Design Standards.

- a. Facade Design.
 1. Horizontal articulation between floors. Each facade should be designed to have a delineated floor line between street-level and upper floors. This delineation can be in the form of a masonry belt course, a concrete lintel or a cornice line delineated by wood detailing.
 2. Vertical articulation. Each building facade facing a public right-of-way must have elements of vertical articulation comprised of columns, piers, recessed windows or entry designs, overhangs, ornamental projection of the molding, different exterior materials or wall colors, or recessed portions of the main surface of the wall itself. The vertical articulations shall be designed in accordance with the following:
 - a) Each vertical articulation shall be no greater than 30 feet apart.
 - b) Each vertical articulation shall be a minimum of one foot deep.
 - c) Each vertical projection noted above may extend into the required front yard a maximum of 18 inches in depth.
 - d) Building walls with expansive blank walls are prohibited on any building facade regardless of its orientation.
- b. Rooflines. Roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

- c. All ground-level retail and service uses that face a public street shall have clear glass on at least 50% of their facades between two feet and eight feet above grade.
- d. Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
- e. All buildings should relate harmoniously to the site's natural features and existing buildings, as well as other structures in the vicinity that have a visual relationship and orientation to the proposed buildings. Such features should be incorporated into the design of building form and mass and assist in the determination of building orientation in order to preserve visual access to natural and man-made community focal points.
- f. Buildings with expansive blank walls are prohibited. Appropriate facade treatments should be imposed to ensure that such buildings and facades are integrated with the rest of the development and the entirety of the building.
- g. New buildings are encouraged to incorporate such building elements as entrances, corners, graphic panels, display windows, etc., as a means to provide a visually attractive environment.
- h. A human scale of development should be achieved at grade and along street frontages through the use of such elements as windows, doors, columns, awnings and canopies.
- i. Design emphasis should be placed on primary building entrances. They should be vertical in character, particularly when there is the need to provide contrast with a long linear building footprint, and such details as piers, columns, and framing should be utilized to reinforce verticality.
- j. Refuse and recycling shall be located interior to a building or, alternatively, if located outside, the refuse area shall be appropriately screened by decorative masonry wall consistent with the type of building materials used within the development not to exceed six feet.
- k. Rooftop utilities, including mechanical, electrical, and plumbing equipment, and HVAC units, are permitted but shall be shielded from public view with appropriate screening that complements the character of the buildings architecture.
- l. Private balconies shall be permitted but shall not exceed a maximum depth of five feet beyond the building facade nor encroach within a required setback.

§ 31-14.6 Additional Requirements.

- a. Required affordable housing set-aside. Any residential development must provide a minimum of 20% of the total number of units on-site to be constructed as affordable to very-low, low- and moderate-income eligible families.
- b. All affordable housing units shall comply with the City's affordable housing regulations in its Affordable Housing Ordinance, as well as the NJ Fair Housing Act (N.J.S.A. 52:27D- 301 et seq.), and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1 et seq.).
- c. In the event of any inconsistencies between this redevelopment plan and the Statewide Nonresidential Development Fee Act, the Act controls.

Section 31-14.7. Application Review Procedures

The Planning Board shall comply with the provisions of N.J.A.C. 5:93-10.1 regarding the expedited review of inclusionary residential development applications.

SECTION THREE. A copy of this Ordinance is hereby transmitted to the City of Linden Planning Board ("Planning Board") for its report and recommendation pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and the Planning Board hereby has 35 days to submit a report and if

it fails to do so, then the City Council may proceed to adopt the Ordinance.

SECTION FOUR. All Ordinances of the City of Linden which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION FIVE. If any section, subsection clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of the Ordinance.

SECTION SIX. This Ordinance shall take effect as provided by law.

PASSED: March 12, 2026

APPROVED: March 13, 2026

Council President

Mayor

ATTEST:

Joseph Bodek, RMC, City Clerk