

FIRST READING: February 17, 2026

Ord. No. 70-14

2ND & FINAL READING: March 12, 2026

AN ORDINANCE AMENDING CHAPTER 31, ZONING, OF THE ORDINANCES OF THE CITY OF LINDEN, TO REZONE BLOCK 238, LOTS 10 AND 11 AS A NEW TH-MF/SA I 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; and

WHEREAS, affordable rental housing is particularly beneficial to low and moderate income households; and

WHEREAS, the City finds the area that is proposed to be rezoned 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. Chapter 31-3.1, Zoning Districts, of Chapter 31, Zoning, of the Ordinances of the City of Linden, shall be amended to include the following:

TH-MF/SA I Townhouse-Multi-Family Housing/Set-aside I Zone

SECTION TWO. Chapter 31, Zoning, of the Ordinances of the City of Linden is hereby amended to establish Section 13, Townhouse-Multi-Family Housing/Set-aside I Zone, to read as follows:

§ 31-13 TH-MF/SA I, TOWNHOUSE–MULTI-FAMILY HOUSING/SET-ASIDE I ZONE

Section 31-13.1. Purpose:

The purpose of the TH-MF/SA I Zone is to create the opportunity for the construction of inclusionary multi-family residential developments, with a set-aside for housing units affordable to very-low, low and moderate income households, which development would be permitted as a matter of right on the sites included in this Zone. Where the affordable housing units will be rental units or will be for sale, the required set-aside rate shall be at least twenty (20) percent of all multi-family housing units built (these units shall hereafter be referred to as "Affordable Units"). This inclusionary district applies to the following properties: Block 238, Lots 10 and 11.

Section 31-13.2. PERMITTED USES:

1. Subject to the provisions of Subsections 3 and 4, below, the following uses are permitted in the TH-MF/SA I Zone.
 - A. Townhouses as defined in Section 31-2.

2. The following accessory uses shall be permitted in the TH-MF/SA I Zone:
 - A. Common open space including community buildings and recreational facilities.

Section 31-13.3. DENSITY AND BULK REQUIREMENTS:

1. The minimum lot area shall be at least 0.4 contiguous acres and the density shall not exceed 12 dwelling units per gross acre, up to a maximum of 6 total units.
2. There shall be a minimum frontage of one hundred (100) feet upon an accepted public street, improved to the street specification standards of the City, County or State.
3. If more than one building is constructed on the site, there shall be a minimum distance between buildings of thirty (20) feet.
4. Maximum height: 38 feet.
5. Front yard setback: 25 feet.
6. Side yard setback: 10 feet each side.
7. Rear yard setback: 25 feet.
8. Accessory buildings, if provided, shall comply with the R-1a district requirements.

Section 31-13.4. PARKING REQUIREMENTS:

1. On-site parking shall be provided in conformance with the requirements of the Residential Site Improvement Standards ("RSIS").
2. Any outdoor parking area for three (3) or more automobiles shall be separated from the nearest building by a sidewalk at least four (4) feet wide.
3. Surface parking areas shall be paved and curbed and provided with adequate storm water drainage in conformance with RSIS requirements.

Section 31-13.5. STREETS AND SIDEWALKS:

1. All streets, sidewalks and driveways in the TH-MF/SA I Zone shall be in conformance with applicable RSIS requirements.
2. Sidewalks shall be provided in suitable locations including along the street frontage and at entrances and exits to the development and to the building(s) within the development and wherever pedestrian traffic is anticipated to occur.

Section 31-13.6. BUILDING STANDARDS:

1. The minimum width of any dwelling unit shall be eighteen (18) feet.
2. Each two and three-bedroom Affordable Unit shall be provided with an enclosed, lockable storage space, in addition to the closets located within these units. Such storage space shall be at least 216 cubic feet in area and at least six (6) feet in height and shall be provided: (a) within or adjacent to the dwelling unit served, (b) or adjacent to the garage serving the unit, or (c) within or adjacent to a common area such as a basement or hallway provided that such storage space shall have either direct access to the exterior of the building or access to the exterior via a common interior hallway with elevator access, if above the ground level.
4. Built-in air conditioning units shall not project more than two (2) inches from the outside face of the wall.

5. A townhouse unit shall have at least two (2) exterior exposures, each of which shall be provided with windows, doors or a combination thereof, so as to provide cross or through ventilation for such unit. A flat shall have at least one exterior exposure.
6. Townhouses facing North Wood Avenue must be designed with a front-facing appearance, including real or decorative doors, windows, and ornamentation.

Section 31-13.7. ADDITIONAL REQUIREMENTS.

1. 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.
2. 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.).
3. In the event of any inconsistencies between this redevelopment plan and the Statewide Nonresidential Development Fee Act, the Act controls.

Section 31-. 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, CMR, City Clerk