

**CITY OF ABSECON**

**ORDINANCE 02-2014**

**AN ORDINANCE AMENDING CHAPTER 224 (LAND USE AND DEVELOPMENT) OF THE ABSECON CITY CODE TO PROVIDE FOR THE DESIGNATION OF AN INCLUSIONARY VILLAGE DEVELOPMENT ZONE AND TO PROVIDE FOR THE REGULATION OF DEVELOPMENT THEREIN.**

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY** that Chapter 224 (Land Use and Development) of the Absecon City Code be amended and supplemented as follows:

**Article XXXIV Inclusionary Village Development (IVD) Zone**

It is the intent of this article to create a realistic opportunity for the construction of a portion of the low-and moderate-income housing obligation of the City of Absecon under New Jersey's Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; the rules of the New Jersey Council on Affordable Housing, N.J.A.C. 5:93-1 et seq.; and the Mt. Laurel doctrine, as well as to settle litigation entitled "AB visions at Absecon LLC v. The City of Absecon, the City Council of the City of Absecon, and the Planning Board of the City of Absecon." Docket No.ATL-L-2636-12.

Furthermore, the purpose of the Inclusionary Village Development Zone (hereinafter "IVD") is to create the opportunity to increase the production and supply of workforce housing to meet the needs of citizens who require smaller, more reasonably priced accommodations such as one and two bedroom living facilities. The IVD is designed to facilitate the development of affordable housing for low-and moderate-income households by establishing design controls for development within Block 9.02, Lot 3.02, while continuing to encourage innovations in residential development that promotes a sense of community for the benefit of the development's residents, minimizes the proliferation of roadways by utilizing the existing infrastructure, and at the same time, encourages land development that is fiscally responsive to the community and environmentally sound.

**224- 287 GENERAL PROVISION.**

- A. Because this article provides specialized regulations for housing types, land uses, improvements, site planning, and building design within the IVD, the standards and requirements of this article supersede and replace all conflicting provisions in the City of Absecon Developmental Ordinance and Zoning Ordinance, including those found at Article XIX, 224-111 through 116 and Article XXXI, 224-240 through 251. All ordinances of the City of Absecon that are inconsistent with the provisions of this article are superseded by the provisions of this article.

**224-288 DEFINITIONS.**

As used in this article, the following terms shall have the meanings indicated and shall supplement or supersede the definitions in Section 224-4.

**AFFORDABLE UNIT**

Means a housing unit proposed or created pursuant to the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et. seq.), credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund, or other available funding source

**AGE-RESTRICTED UNIT**

For the purpose of the IVD, an age-restricted unit shall mean occupancy of a unit by at least one (1) person of the age of fifty five (55) years or over, except that any children, nineteen (19) years of age and over may reside with an age qualified parent.

**APARTMENT UNIT**

One or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three or more dwelling units, and sharing a common entry.

**FLAT**

A unit in a multistory structure that contains the entirety of its living space on a single floor.

**MANOR HOME**

A dwelling unit that has privileged use of a ground level garage.

**MARKET-RATE UNIT**

Dwelling units that are not restricted to low-and moderate-income households that may rent, or sell, at any price determined by the developer.

**STACKED TOWNHOMES**

For the purpose of the IVD, a stacked townhome shall mean a residential structure, consisting of a multistory residential unit located on top of, in part or whole, either a single-story residential unit (a.k.a. a flat unit) or another multistory residential unit each with an entrance on the first floor, each intended for occupancy as separate living quarters for two or more families for sale or rental.

**TOWNHOME**

For the purpose of the IVD, a townhome shall mean a single story or multistory dwelling unit in a residential structure, containing not fewer than three one-family dwelling units each with an independent entrance on the first floor and having no dwelling units above or below and each dwelling unit intended for separate sale or rental. Townhomes may, or may not, include garages.

**224-289 PERMITTED USES.**

The following uses are permitted in the IVD.

- A. Residential development, limited to:
  - (1) Manor Homes.
  - (2) Townhomes, including stacked townhomes.

- (3) Apartments.
- (4) Flats.
- B. Community buildings, pools, and similar recreation facilities designed as part of the IVD.
- C. Community Commercial:
 

Community Commercial uses shall be confined to the interior of the existing Clubhouse building, and may include retail uses for the purpose of serving the immediate surrounding development including, but not limited to: convenience grocery store, bakery, child care facility, adult care facility, coffee shop/ café, newspaper/magazines, and similar uses. The above Community Commercial uses are permitted, but are not required, as accessory and /or incidental to the principal residential use with the understanding that actually providing the community commercial uses are subject to market conditions.

**224-290 Housing Mix.**

The following housing requirements are designed to encourage a mix of housing types to promote diversified population and housing.

- A. Required housing mixes.
  - (1) This article acknowledges that there are 42 existing units within the IVD; 12 Townhomes and 30 Manor Homes.
  - (2) The maximum number of new units permissible in the zone is 400 units. The total maximum number of all units shall be no greater than 442 units.
  - (3) Fifteen percent (15%) of all new units constructed shall be affordable units.
  - (4) A minimum of 99 new units shall be age restricted. Said age-restricted units shall be a separate and distinct development in accordance with applicable federal regulations. In the event that the total number of new units developed is reduced twenty five percent (25%) of the total number of newly constructed units shall be age restricted.
- B. Affordable housing set asides.
  - (1) Fifteen percent (15%) of the total new units developed in the IVD shall be set aside for occupancy by low-and moderate-

income households. All of the affordable housing units are to be offered for rent.

- (2) Affordable housing units may be age-restricted, provided that the number of age restricted affordable units does not exceed sixty percent (60%) of the total affordable units in the IVD.
- (3) Affordable units shall comply with the New Jersey Barrier-Free Subcode accessibility requirements, N.J.A.C.5.23.7, as required by the state Fair Housing Act, as amended by P.L. 2005, c.350.
- (4) The affordable housing shall be developed and rented in accordance with the current applicable COAH rules, including requirements on: split between low-and moderate-income housing, bedroom distribution, range of affordability, pricing and rents of units, affirmative marketing, and affordability controls.
- (5) Affordable housing may be developed in accordance with construction phasing pursuant to applicable ordinance , or alternatively a developer shall have the ability to modify the phasing requirements so long as it posts a bond or other guaranty that at the completion of the development, the development will meet the required percentages of different unit types described herein.
- (6) Affordable housing units may be grouped in a building or location if necessary for financing, ownership or management. Alternatively, affordable housing units may be integrated throughout the site.

#### **224-291 OPEN SPACE REQUIREMENTS.**

Open space shall be designed as an integral part of the IVD and shall provide a range of opportunities for active and passive recreation as well as protect and preserve the natural environment.

- A. The minimum area of total open space in the IVD shall be 10% of the gross land within the site.
- B. Linkage of developed open space shall, to the maximum extent practicable, be provided as a system of pathways (walkways, bikeways, etc.) which connect developed open spaces.

#### **224-292 DENSITY.**

- A. The maximum residential density shall be 17 dwelling units per gross acre.

#### **224-293 AREA AND BULK REQUIREMENTS.**

Bulk and area requirements

- A. Lot area: 25 acre minimum
- B. Impervious coverage: 65% max.
- C. Front yard setback: 100 feet min.
- D. Side yard setback: 50 feet min.
- E. Rear yard setback: 50 feet min.
- F. Parking setback: 15 ft. min. between buildings and parking areas.
- G. Building height: 35 feet max. with minimum fifty-foot setback  
 45 feet max. with minimum one hundred-foot setback  
 55 feet max. with minimum one hundred twenty-five foot setback.  
 65 feet max. with minimum one hundred fifty-foot setback.
- H. Lot width: 100 feet min.
- I. Buffer strip is required along all side and rear lot lines that adjoin an existing residential use. The purpose of this buffer is to screen the view of automobiles in parking areas and reduce the glare of the automobile headlights and reduce noise. The buffer strip adjoining parking areas shall be at least 25 feet in width as measured from the property line and shall consist of any/or a combination of the following: existing trees and shrubs, fencing, and new landscaping. The preservation of natural vegetation as part of the buffer strip is encouraged. Additional plantings of trees and shrubs shall be required to insure an effective buffer. The buffer strip shall have sufficient materials to obscure any glare of automobile headlights year round. The maintenance of the buffer shall be the responsibility of the property owner.
- J. Parking space perimeter setback: twenty-five-foot minimum adjoining residential uses. Parking is permitted in the front yard area provided that there is a minimum fifty-foot landscaped area between the public R.O.W. and the parking area.
- K. Physical characteristics of residential buildings. A Building shall not exceed 150 feet in length in an unbroken line measured at the foundation. Buildings of between 150 and 200 feet in length shall have an offset of eight feet along the building face. Up to 3 such one- hundred-fifty-foot maximum length buildings may be attached, provided that an angle of at least 30°exists between adjacent buildings. However, there can be no continuous roofline of more than 80 linear feet. It is the purpose of this section to provide for both broken rooflines and different setbacks and to break up a straight linear configuration. Buildings connected by party or common walls shall not be considered separate buildings for the purposes of this section. Buildings

connected by open walkways may be considered separate buildings for the purposes of Subsection M dealing with space between buildings.

- L. Bedroom content. The applicant shall furnish, as part of the project, submittal data indicating the proposed mix of bedrooms included within the development.
- M. Space between buildings. No building shall be closer than 30 feet to any other building.
- N. The architectural design of all new buildings shall be consistent with the architectural design of the existing buildings within the IVD.
- O. Laundry facilities, either located in individual units or in common areas, shall be provided for the use of residents.

#### **224-294 OFF-STREET AND ON-SITE PARKING.**

The following parking standards shall be required.

- A. Parking for the residential component of the IVD shall be regulated by New Jersey Residential Site Improvement Standards (RSIS).

Should the applicant believe the RSIS parking requirements for the residential development are greater than actually needed the applicant has the option to request a reduction of the required parking as stipulated in RSIS. The Board, upon adequate demonstration by the applicant, may grant up to a 20% reduction in the RSIS required parking, without the requirement of variance approval, provided an area is reserved for the construction of the remaining (Remnant Spaces) RSIS required spaces. The Remnant Spaces may be constructed at a future date in the event those parking spaces are determined to be necessary by the applicant, or by the Board.

The Remnant Spaces are to be shown on the plan and engineered for review by the Board and the Board's professionals at the time the original approval is granted. The Remnant Spaces can be constructed when deemed necessary without returning to the Board. This is permitted provided the applicant informs the City Engineer in writing and posts an inspection escrow prior to the actual construction taking place.

- B. Off-street on-site parking facilities shall be limited to passenger vehicles of permanent residents, and their guests. Storage of trucks, boats, trailers, etc., shall be prohibited.
- C. Design controls applicable for off-street parking facilities are set forth in the site plan and subdivision regulations found in §224-128.
- D. Bike racks permanently in place shall be provided at all recreational facilities based upon estimated user demand.

**224-295 LANDSCAPING.**

Landscaping shall conform to §224-78 and §224-129

**224-296 LIGHTING.**

Lighting shall conform to §224-130, which includes the requirement to design lighting to prevent glare upon surrounding properties.

This ordinance shall take effect upon final adoption and publication as required by law.

**Dated: May 15, 2014**

**SIGNED:** \_\_\_\_\_  
**John R. Armstrong, Mayor**

**ATTEST:** \_\_\_\_\_  
**Carie A. Crone, RMC, Municipal Clerk**

Passed on first reading at a regular meeting of the Municipal Council held on January 16, 2014. Laid over and advertised for public hearing and final adoption on May 15, 2014. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on May 15, 2014.