

**CITY OF LINDEN
UNION COUNTY, NEW JERSEY**

PUBLIC NOTICE

ORDINANCE STATEMENTS AND SUMMARIES

The ordinance, the summary terms of which are included herein, has been finally adopted by the City of Linden, in the County of Union, State of New Jersey on March 12, 2026. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. Said ordinance is also available on the City of Linden official website at <https://linden-nj.gov/>. City of Linden public notices can be viewed at <https://linden-nj.gov/notices/>.

ORD. NO. 70-15

AN ORDINANCE AMENDING CHAPTER 31, ZONING, OF THE ORDINANCES OF THE CITY OF LINDEN, TO ESTABLISH AFFORDABLE HOUSING OVERLAY DISTRICTS (AHO).

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 multi-family non-age-restricted housing developments are permitted as an overlay option 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 unmet need 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 overlay zoned to adequately addresses its unmet need obligation through the use of an appropriate mechanism as specified per N.J.A.C. 5:93-4.2(-f).

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 City of Linden, is hereby amended to include the following:

SECTION TWO. Chapter 31, Zoning, of the Ordinances of the City of Linden is hereby amended to establish new Affordable Housing Overlay Districts, to read as follows:

§ 31- 15 Affordable Housing Overlay Districts (AHO)

§ 31-15.1 Purpose: The purpose of this section is to establish overlay zones so as to provide opportunity to develop multifamily residential housing units which are affordable to low- and moderate- income families consistent with the City's constitutional obligation to provide affordable housing pursuant to the New Jersey Supreme Court's Mount Laurel decisions. Where a proposed use is permitted in both the underlying zone district and overlay zone, the development regulations of the underlying zone district shall apply, unless the developer elects to develop in accordance with the AHO zone standards as set forth herein. These overlays apply to the following properties:

AHO Zone	Properties
AHO-1	Block 198, Lots 24-35; Block 200, Lots 28.01 28.02, 30-32, 34-37; Block 209, Lots 22.01, 22.02, 23, 25-30; Block 211, Lots 11.01, 11.02, 11.03, 12-16; Block 212, Lots 24.02, 24.03, 25, 29, 30-36; Block 243, Lots 1-3, 4.01, 4.02, 4.03, 4.04; Block 244, Lots 6.01, 6.02, 7-8, 10-11; Block 246, Lots 3.01, 4, 5.01, 6-16; Block 252, Lots 1-8, 40-41; Block 253, Lots 1-2, 4-8, 9.01, 9.02, 10, 44.
AHO-2	Block 146, Lots 3-5, 6.01, 7.
AHO-3	Block 71, Lots 1.03, 1.04, Block 82, Lot 1.01; Block 13, Lots 5-7.
AHO-4	Block 533, 1, 15-17; Block 534, Lots 1, 19-21; Block 535, Lots 1.01, 6-7; Block 536, Lots 1, 12-15, Block 537, Lots 1, 20-21, 22.01; Block 538, Lots 1, 19-21, 22.01, 22.02, 23; Block 539, Lots 1, 21.01, 22.02, 23.01, 23.02; Block 540, Lots 1, 20-22, Block 545, Lots 17.01, 17.02, 18-25, 27-30; Block 546, Lots 8-11, Block 547, Lots 10-13, Block 549, Lots 7, 8.01, 8.02, 9-10; Block 550, Lots 9-12.
AHO-5	Block 288, Lots 3, 4.01, 4.02, 8.01, 9-10, 12; Block 321, Lots 1-8.

§ 31-15.2 Permitted principal uses. Within the AHO Districts, apartment development shall be permitted on upper floors subject to the specific conditions and limitations as set forth in this chapter, except that single-use apartment buildings shall be permitted in the AHO-2 overlay (Block 146, Lots 3, 4, 5, 6.01 & 7).

§ 31-15.3 Permitted accessory uses. Within the AHO Districts, the following accessory uses shall be permitted:

- a. Laundry rooms, recreational rooms, and other similar accessory uses that are for the common benefit of all residents of the multifamily development.
- b. Outdoor recreational facilities, including but not limited to swimming pools, tennis courts, basketball courts, and playground equipment.
- c. Fences, garden walls, and other landscape features, including decorative pools, fountains, statuary, terraces, steps, and benches.
- d. Uses that are subordinate and customarily incidental to the principal permitted use.

§ 31-15.4 Minimum lot size requirements.

- a. The minimum lot size within the AHO zones shall be not less than the minimum lot size for the district in which they are located.

§ 31-15.5 Dwelling unit density. Dwelling density shall not exceed:

- a. AHO-1 District: 75 dwelling units per acre.
- b. AHO-2 District: 75 dwelling units per acre.
- c. AHO-3 District: 50 dwelling units per acre.
- d. AHO-4 District: 25 dwelling units per acre.
- e. AHO-5 District (West Elizabeth Avenue Redevelopment Plan): 110 dwelling units per acre.

§ 31-15.6 Impervious coverage.

- a. AHO-1 District: 90 percent
- b. AHO-2 District: 80 percent
- c. AHO-3 District: 80 percent
- d. AHO-4 District: 70 percent
- e. AHO-5 District: 85 percent

§ 31-15.7 Yard requirements.

- a. The following minimum yard requirements shall apply:

AHO Zone	Front – All Street-Facing Frontages (feet)	Side (feet)	Rear (feet)
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AHO-1	0	0	15
AHO-2	15	6	15
AHO-3	15	6	25
AHO-4	12	Same as underlying Zone	25
AHO-5	See Redevelopment Plan	See Redevelopment Plan	See Redevelopment Plan

§ 31-15.8 Open space.

- a. Any premises used for multifamily dwelling purposes shall contain a minimum of 20% of the lot area as open space.
- b. No portion of any required front yard or any required planting area shall be used for required open space.
- c. No portion of any required open space shall be used for driveways or parking spaces.
- d. No structure of any kind shall be permitted within any required open space, except for swimming pools, outdoor sport structures or playgrounds, or other common outdoor amenities such as courtyards, provided that not more than 25% of any structure shall be covered by a roof.
- e. Required open space shall be subject to site plan review as to design and layout, shall be attractively landscaped and shall not exceed a grade of 5% and shall be of a design to accommodate the needs of the occupants or contemplated occupants of the dwelling units it is designed to serve.
- f. Roof space on buildings or structures, including roof space on parking facilities, may be used as required open space, provided that:
 1. Such space shall be accessible to occupants of the dwelling units it is designed to serve, by pedestrian means of access other than stairs.
 2. Such space shall contain railings, fencing or similar treatment to make it safe and suitable for recreational use.
 3. The roof space shall be enhanced to function as a suitable open area or recreational facility.

§ 31-15.9 Open Space Buffer requirements. A landscaped buffer area shall be required and consist of planted materials intended to provide an attractive visual screen within all of the following described areas adjacent to each side lot line and the rear lot line of each lot:

- a. Per Section 31-22.

§ 31-15.10 Height Limitations.

- a. The following maximum height requirements shall apply:

AHO Zone	Feet	Stories
AHO-1	65	4
AHO-2	48	4
AHO-3	48	4
AHO-4	38	3
AHO-5	Per West Elizabeth Avenue Redevelopment Plan	Per West Elizabeth Avenue Redevelopment Plan

- b. No accessory building shall exceed a height of 16 feet.

PASSED: March 12, 2026

APPROVED: March 13, 2026

MICHELE YAMAKAITIS
COUNCIL PRESIDENT

DEREK ARMSTEAD
MAYOR

ATTEST:
JOSEPH C. BODEK
CITY CLERK