

ML Boontor 17-Aug-1984

Borough of Lincoln Park v. Morris
City Fair Housing Council.

Settlement Agreement plus
exhibits ~~and~~

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ML000424P

THIS AGREEMENT, made this 17th day of July, 1984, by and between:

THE BOROUGH OF LINCOLN PARK,
A Municipal Corporation of the State of New Jersey,

-and-

The Morris County Branch of the National Association for
the Advancement of Colored People;

The Morris County Fair Housing Council; and

Joseph H. Rodriguez, Public Advocate of the State of
New Jersey;

hereinafter collectively designated as "Plaintiffs."

WHEREAS, the Plaintiffs on October 13, 1978, instituted a certain
action in the Superior Court, Law Division, Morris County, bearing
docket number L-6001-78 P.W., against the Borough and other parties:
and «

WHEREAS, the parties hereto are desirous of entering into an
agreement of settlement to resolve their differences in the aforesaid
litigation;

NOW, THEREFORE in consideration of the mutual covenants, promises,
terms and conditions hereinafter provided, it is agreed by and between
the Borough and the Plaintiffs as follows:

1. This agreement is reached after due deliberation by all parties
and upon the considered judgment of all parties that it is in the best
interest of the public good and welfare to settle the aforesaid litigation upon the terms and conditions contained herein so as to fully meet the fair share obligation of the Borough.

2. In accordance with the law, the Borough agrees to amend the
zoning ordinance of the Borough to establish affordable townhouse, garage
apartment and adult community housing zones as set forth in Exhibit "J"

attached hereto and made part hereof. The coverage of these zones, is limited to lands designated in Exhibit A.

3, The parties have agreed that 212 units represents the Borough fair share through the * year 1990.

4. On or before March 1, 1990 the Borough shall, through its normal planning process, assess its fair share of housing needs to determine whether an opportunity for additional low and moderate income units is necessary and, if so, to create such additional opportunity.

5. In the event that additional publicly subsidized housing affordable to low or moderate income households is constructed in the Borough on or before March 1, 1990, the Borough shall receive credit for each unit towards satisfaction of its fair share obligation.

6. In addition to the provisions in Exhibit A, the municipality shall take all reasonable steps to foster development of the units affordable to low and moderate households called for by paragraphs 2, and 3 including but not limited to:

- a) adoption of such resolutions of need, execution of payment in-lieu-of-taxes resolutions, or public housing cooperation agreements as may be necessary to facilitate a developer in obtaining public subsidies for the construction of housing affordable to low and moderate income households;
- b) Use its best efforts to expedite disposition of complete applications and municipal approvals by a developer in the affordable housing zones;
- c) cooperation with a developer in the affordable housing

- d) cooperation with the needs of a developer and the requirements of state and federal agencies concerning the administration of resale price controls.
- e) waiver of the following fees for the low and moderate income units in the affordable housing developments:
 - (1) Subdivision and site plan application fees on a pro-rata basis based on the percentage of low and moderate income housing the development.
 - (2) Building permit fees, except state fees.
 - (3) Certificate of occupancy fees.
 - (4) Engineering fees in excess of 2% of improvement costs, on a pro-rata basis based on the percentage of low and moderate income housing in the development.

7. The Borough shall provide written notice to plaintiffs of any applications for preliminary or final approval by developers in the affordable housing zones, and of any preliminary or final approvals or denials, whether conditional or unconditional.

8. Upon enactment of the amendments described in paragraph 2 the parties shall enter a stipulation of dismissal of this complaint with prejudice incorporating this agreement.

9. This settlement is conditioned upon entry of a final judgment of compliance by the courts pursuant to ~~Southern Burlington County N.A.A.C.P. v. Mt. Laurel Tp.~~, 92 N.J. 158 at 291. Plaintiffs agree to support defendants application for a final judgment of compliance.

10. Upon the construction and occupancy of sufficient units

affordable to low and moderate income households under the ordinance set forth as Appendix A to satisfy the municipality's fair share under paragraphs 3, 5 and 6 of this agreement and upon written notice to plaintiff, the municipality may repeal or amend the ordinance set forth in Appendix A.

11. In the event that more than 50% of the land by area in any of the zones established under this agreement ceases to be available for development pursuant to the provisions adopted under section 2 of this agreement because of development for other purposes, condemnation, state or federal prohibitions or restrictions upon development or any other reason, the municipality upon written notice to and with the approval of plaintiffs, shall rezone sufficient other developable land pursuant to this provision to make it realistically likely that a sufficient number of units affordable to low and moderate income households will be constructed to satisfy the municipality's fair share.

12. With the written consent of plaintiffs, the municipality may substitute any area of equivalent size and suitability for any of the areas rezoned pursuant to paragraph 2.

13. The municipality shall receive credit against its housing obligation for up to 34 units of housing currently occupied by low or moderate income households that have been rehabilitated with public funds since April 1, 1980, upon presentation of documentation acceptable to plaintiffs.

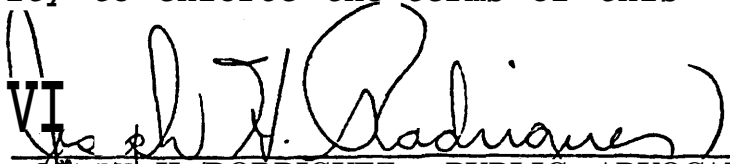
14. The municipality shall not zone, rezone, grant variance* or grant any preliminary or final site plan approval for town-


houses or garden apartments, at gross densities higher than 4 units/acre unless:

- a) the development is subject to a mandatory set aside for units affordable to low and moderate income households identical to that contained in Exhibit A, or
- b) the municipality has met its fair share obligation.

15. The parties agree that-nothing in this agreement shall constitute any admission on the part of the Borough of Lincoln Park or determination by the parties as to the region within which the Borough of Lincoln Park is situate, for purposes of fair share low/moderate income housing allocation. . . .

16. Upon enactment into law, the low and moderate income housing amendments as set forth in Exhibit A shall not be repealed, amended, or modified without the express consent of the plaintiffs, through their counsel, the Department of the Public Advocate, except as provided in paragraph 10 above. In the event of any breach of any provision of this agreement the plaintiffs may seek relief by way of any remedy provided by law. The owners or assignees of the lands which are rezoned by this amendment are also recognized as third-party beneficiaries with authority to enforce the terms of this settlement agreement.

VI

 JOSEPH H. RODRIGUEZ, PUBLIC ADVOCATE
 ATTORNEY FOR PLAINTIFFS


 FRANK SCANGARELLA, ATTORNEY FOR BOROUGH
 OF LINCOLN PARK

Adopted July 23, 1984

Effective August 14, 1984

EXHIBIT A

AN ORDINANCE TO AMEND CHAPTER 28, ZONING ORDINANCE, OF THE CODE OF THE BOROUGH OF LINCOLN PARK, IMPLEMENTING THE TERMS AND CONDITIONS OF THE SETTLEMENT OF A CERTAIN ACTION ENTITLED "MORRIS COUNTY FAIR HOUSING COUNCIL, et als. v. BOONTON TOWNSHIP, et als., SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, DOCKET NO. L-6001-78 P.W.", BY ESTABLISHING THE TH-S, TOWNHOUSE SET-ASIDE "• ZONE, THE GA-S, GARDEN APARTMENT SET-ASIDE ZONE, AND INCORPORATING THE ACH, ADULT COMMUNITY HOUSING ZONE, BY THE TRANSFER THEREOF FROM ARTICLE V. OF THIS CHAPTER, AND BY THE TRANSFER AND SUBSTITUTION IN SUCH ARTICLE V., SEC. 28-44, OF THE PRD II, PLANNED RESIDENTIAL DEVELOPMENT II REGULATIONS, AND BY ESTABLISHING AFFORDABILITY REGULATIONS.

BE IT ORDAINED, by the Governing Body of the Borough of Lincoln Park, in the County of Morris, New Jersey, as follows:

SECTION 1. ARTICLE VI, Sec. 28-50 through 28-56, PRD II, PLANNED RESIDENTIAL DEVELOPMENT II# shall be redesignated and incorporated in the provisions of ARTICLE V., Sec, 28-44.1 through 44.7.

SECTION 2. ARTICLE VI. shall be entitled "TH-S, TOWNHOUSE SET-ASIDE ZONE, and shall be amended to read as follows:

ARTICLE VI.

TH-S, TOWNHOUSE SET-ASIDE ZONE

Sec. 28-50. Purpose.

The purpose of the TH-S. Townhouse Set-Aside Zone, is to provide for and encourage the construction of housing affordable to low and moderate income households by permitting townhouse development conditioned upon the agreement to set-aside at least twenty (20%) percent of the units built for low and moderate income households.

LOF MORRIS COUNTY

OF LINCOLN PARK

ORDINANCE

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Sec. 28-51. Permitted Uses,

Within the TH-S Zone, the following uses only are permitted

1. Provided that 20% of the dwelling units constructed are set-aside for lease or purchase by low and moderate income households set forth in ARTICLE VI.C the following two uses are permitted:

a. Townhouses as defined in Sec. 28-2 except that individual yards shall not be required and flats may be included in the same building with townhouse units;

b. Flats.

2. Other uses permitted are:

a. Common Open Space;

b. Signs as accessory uses, as follows:

(1) Signs located at the entrance of a TH-S Development. The total surface area of any such sign shall not exceed thirty-two (32) square feet in surface area. No more than one (1) sign shall be permitted per entrance.

(2) Directional signs for the convenience of the residents to identify parking areas, rental offices, recreation areas, entrances and exits, which signs shall not exceed two (2) square feet in surface area.

(3) The design, location and landscaping of signs shall be in accordance with the specifications and conditions determined by ARTICLE XIII (SIGNS) of this Chapter.

•!c. Single-family and two-family dwellings in accordance with ARTICLE III, Schedule of General Requirements, and ARTICLE V of this Chapter for the R-15 Zone,

d Accessory uses customarily incidental to the above uses,

3. Suspension of Zoning

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Following the construction of 120 townhouse set-aside units for low and moderate income households, the TH-S Zone, together with the regulations in Sec. 28-45 shall cease to be in effect for undeveloped lands, and upon such event all undeveloped lands designated TH-S shall be rezoned in accordance with the designations provided by ordinance.

Sec. 28-52. Density Standard.

The density of a TH-S development shall not exceed 10 dwelling units per acre of site, including any new on-site streets, public or private.

Sec. 28-53. Parking Requirements.

There shall be off-street parking facilities for at least two (2) automobiles for each dwelling unit. Each parking space

shall measure at least 9 feet by 19 feet. Off-street parking spaces may be covered or uncovered, within or adjacent to each dwelling unit or separate, or any combination of such parking arrangements. Any parking area for three or more automobiles shall be at least 25 feet from the front or rear wall of any dwelling unit, and at least 10 feet from the side or end wall of any dwelling unit or group of dwelling units. There shall be no parking in the front yard setback of the lot, except on a driveway serving an individual townhouse unit.

Parking areas shall be paved and curbed and provided with adequate storm water drainage. The parking plan must be approved by the Municipal Agency. Each dwelling unit shall be assigned at least one parking space, either in a garage or in a parking area.

Sec. 28-54. Minimum Site Area.

The minimum area for a TH-S development shall be five contiguous acres exclusive of existing public streets.

Sec. 28-55. Building Coverage and Impervious Surface.

The maximum coverage of the site by all buildings shall be 30 percent of the site area exclusive of existing public streets. The maximum impervious surface shall be 60% of the site area exclusive of existing public streets.

Sec. 28-56. Building Requirements.

1. The minimum width of any townhouse dwelling unit or flat shall be 18 feet.
2. The distance between buildings shall be not less than 30 feet.

3. The maximum size of any building containing townhouses, flats or a combination thereof shall be eight (8) dwelling units per floor. When a dwelling unit occupies more than one floor, the part of each floor shall be counted as a whole dwelling unit for the purposes of computing the number of dwelling units per floor.
4. Each building shall contain an enclosed, lockable storage space for each unit, exclusive of closets. Such storage space shall be at least 60 square feet in area and 6 feet in height and shall be provided within the unit or in a common area such as a basement or cellar.
5. Built-in air conditioning units shall not project more than two inches from the outside face of the wall.
6. Each dwelling 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.
7. The minimum floor space of any unit shall be:

1-bedroom	550 square feet
2-bedroom	660 square feet
3-bedroom	800 square feet

or in conformity with the standards set forth in the Department of Housing and Urban Development, Minimum Property Standards for Multi-Family Housing, 401-3.1

to 3.6 (1979), whichever is less. At least 20 percent of the low and moderate income units shall be three bedroom units, and no more than 50 percent shall be one bedroom or efficiency units. No garage, cellar or storage area shall be counted towards meeting the minimum floor area requirement for dwelling units.

8. The front or rear set-back of any dwelling, as measured from the curb to any private street, drive, or parking area for three or more automobiles, shall be not less than 25 feet. The side set-back of any dwelling shall

"be not less than 10 feet as measured from the curb of any private street, drive or parking area for three or more automobiles.

9. Other building requirements shall be as set forth, in Sec. 28-21, Schedule of General Requirements. The Municipal Agency shall reduce the 50 foot yard requirement if the developer demonstrates to the Agency's satisfaction, that the cost of utility installation would be excessive unless a smaller yard is permitted. In no case, however, will a yard of less than 25 feet be permitted.

Sec. 28-57. Streets and Sidewalks.

1. Any new public street, private interior road or driveway shall be constructed so as to intersect any existing or proposed public street at least 100 feet from any existing or proposed intersection. If, in the opinion of the Municipal Agency, a proposed inter-

section located 100 feet from another Intersection would create a special hazard because of road alignment, topographic conditions, or existing or projected traffic conditions or other conditions, the Agency may require such proposed intersection to be located up to 200 feet from such other intersection.

2. Each development of eight (8) or more acres, having "frontage in Excess of" 400 feet, (or) smaller development with frontages on two (2) existing streets, shall be provided with at least two (2) access roads as means of traffic ingress and egress to the development.

Said roads shall not be less than two hundred (200) feet apart,

3. Streets which are to be dedicated as public streets shall conform with the Borough standards for public streets as to width and construction. All dedicated streets shall have curbs. Streets which are to be private interior roads shall have a right-of-way width of 40 feet and a curbed pavement width of 30 feet for two-way streets and a right-of-way width of 35 feet and a curbed pavement width of 25 feet for one-way streets. All private roads and access ways shall be kept open for access by all emergency vehicles and the Department of Public Works. Maintenance, cleaning and snow removal of all such roads shall be carried out by the management of the development according to the satisfaction of the Borough. Any failure on the part

of the owner to comply shall result in the work being done" by the Borough at the expense of the owner and, to the extent permitted by law, such expense shall become a lien against said property.

4. Sidewalks along public streets shall be constructed in accordance with the municipal standards, except that the Municipal Agency shall have the power to decrease the number and width of such sidewalks if it deems it necessary in accordance with ARTICLE VI.C, Affordability Controls.
5. Sidewalks of at least four (4) feet in width shall be provided to connect the entrance of each dwelling unit with a public street or interior road and to connect each residential building to the parking areas serving such building.
6. Sidewalks of at least four (4) feet in width shall be provided on at least one side of all private roads. No sidewalk, except those leading to a building entrance, shall be closer to a building than 10 feet.
7. Sidewalks not on public streets shall be of concrete, constructed in accordance with the Borough's specification ordinance except that the Municipal Agency shall have the power to modify these standards if it deems necessary in accordance with ARTICLE VI.C, Affordability Controls.

Sec. 28-58. Utilities and Services.

1. Every dwelling unit shall be provided with public water and public sanitary sewer which shall be installed by and-at the expense of the developer.
2. All utilities shall be installed underground.
3. Street lighting on public and private streets shall be in accordance with the specifications in the Borough ordinances. Additional lighting shall be provided as necessary to minimize hazards to pedestrians and motor vehicles in parking areas near dwelling entrances and along sidewalks.
4. If refuse pick-up areas are provided, they shall be located for the-occupants¹ convenience. All such areas shall be screened with evergreens on three (3) sides and planted to the height of at least 4 feet, or[^]with a solid wood or decorative masonry screen high enough to shield the containers in the pick-up areas.
5. Television antenna equipment shall be built into the building or provided by means of a common antenna tower, provided that such tower receives all required municipal approvals.

Sec. 28-59. Landscaping and Screening.

1. All developments shall be provided with liberal and functional landscaping schemes. Roads and

pedestrian walks shall be provided with shade trees which are at least a minimum size and character in accordance with the standards in the DRO and the Shade Tree Committee of the Borough,

2. Open space adjacent to buildings, malls between buildings intended for utilization by residents and border strips along the sides of pedestrian walks shall be graded and seeded to provide a thick stand of grass or planted with trees and shrubs or any combination thereof. Areas not used for buildings, terraces, recreation equipment, drives, parking spaces or sidewalks shall be seeded or landscaped and maintained in a proper condition. Unless all of the dwelling units are to be rented, these areas shall be placed in a common open space organization plan, pursuant to ARTICLE XIV of Chapter 17 (DRO).
3. Where necessary to shield occupants and adjoining properties from unsightly, disturbing or light-glaring areas, screening or buffers consisting of a solid evergreen hedge at least five (5) feet tall at planting or earth berms and smaller plantings totaling five (5) feet in height shall be installed. The Municipal Agency may permit a solid wood fence or decorative masonry vail in lieu of an evergreen hedge where conditions warrant.
4. The developer shall furnish, together with the plans and specification required under Chapter 17 (Development Review Ordinance) of the Code of the Borough of Lincoln

Park, landscaping plans drawn by a licensed professional, indicating landscaping intended for the development as well as plans for lighting the grounds, roads, drives, walks, parking areas and building entrances. Additional plans shall show contours, drainage areas, streams, wooded areas and any other natural features of the land in a natural state before development proposals.

5. There shall be a buffer strip of at least twenty-five (25) feet in width on all lot lines adjoining zone district lines and on all lot lines adjoining existing existing improved residential property. No buffer shall be required where such lot line borders a public street. All such buffer strips, if wooded, shall remain in their natural state or otherwise shall be planted with an evergreen screen at least six (6) feet in height.

SECTION 3. ARTICLE VI-A., shall be entitled "GA-S, GARDEN APARTMENT SET-ASIDE OVERLAY ZONE, and shall read as follows:

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ARTICLE VI-A

GA-S, GARDEN APARTMENT SET-ASIDE OVERLAY ZONE

Sec. 28-BOA. Purpose.

The primary purpose of the GA-S, Garden Apartment Set-Aside Overlay Zone, is to provide for and encourage the construction of housing affordable to low and moderate income households by offering a developer alternative uses and development standards

in exchange for an agreement to set-aside at least 20 percent of units built for low and moderate income households.

Sec. 28-51A. Permitted Uses.

Within the GA-rS Overlay Zone, in addition to the uses otherwise permitted, in the underlying zones, the following uses are permitted, provided that at least 20% of the dwelling units shall be set-aside for rent by low and moderate income households in accordance with "ARTICLE VI-G, Affordability Standards:

1. An apartment building or a group of apartment buildings conforming to the definition of garden apartments as set forth in Sec. 28-2.
2. Common Open Space
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3. Accessory uses customarily incidental to the above uses.
4. The following signs shall be permitted as accessory uses:
 - a. Signs located at the entrance of a Garden Apartment Development. The total surface area of any such sign shall not exceed thirty-two (32) square feet in surface area. No more than one (1) sign shall be permitted per entrance.
 - b. Directional signs for the convenience of the
- . . . - residents to identify parking areas, rental offices, recreation areas, entrances and exits, which signs shall not exceed two (2) square feet in surface area.

c. The design, location and landscaping of signs shall be in accordance with the specifications and conditions determined by ARTICLE XIII (SIGNS) of this Chapter.

5. Susepnsion of Zoning

Following the construction of 20 garden apartment units set-aside for low and moderate income households, the GA-S Overlay Zone, together with the regulations in Sec. 28-60 shall cease to be in effect.

Sec.28-52A. Density.

The density of the development shall not exceed 15 dwelling units"per acre of site including any new on-site streets, public
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or private.

Sec. 28-53A. Parking.

1. There shall be off-street parking facilites in accordance with the following schedule as a minimum requirement:

Each 1-bedroom or studio unit	1h spaces
Each 2-bedroom unit	1-3/4 spaces
Each 3-bedroom unit	2 spaces

2. Each off-street parking space shall measure at least 9 feet by 19 feet.

* 3. -No parking shall-be permitted on any road within a GA-S development. Off-street parking spaces may be uncovered or in a garage or carport. Unless located in a garage at"the basement or cellar level of a garden apartment building, all parking' areas shall

be at least .20 feet from any front or rear wall of any building containing a dwelling unit, and at least 10 feet from any side or end wall of any building containing a dwelling unit. There shall be no parking in the front yard set-back of the lot. Parking areas shall be paved and curbed and provided with adequate storm water drainage. The parking plan must be approved by the Municipal Agency. Each dwelling unit shall be assigned one parking space, either in a garage or in a parking area.

4.- Garages shall not be allowed as separate structures, but may be built under the apartment structure as hereinafter providedt

- (a) Size: Each garage space shall be at least ten (10) feet wide and twenty-two (22) feet in depth.
- (b) Vehicular access to garages shall be from the side or rear of the building,
- (c) The entrance to garages shall not be on any main access street or public street.

Sec. 28-54A. Building Coverage and Impervious Surface.

The maximum coverage of the site by all buildings shall be 30% of the site area exclusive of existing public streets. The maximum impervious surface shall be 65% of the site area exclusive of existing public streets.

Sec. 28-55A. Building Requirements.

1. The general architectural plan of the building must be approved by the municipal Agency. The maximum number of units per floor, shall be eight (8) units, except that the Municipal Agency shall have the power to increase the number of units per floor in accordance with ARTICLE VI-C, Affordability Control.
2. Each building shall contain an enclosed, lockable Storage space for each unit, exclusive of closets. Such storage space shall be at least 60 square feet in area and at least six (6) feet in height and shall be provided within the unit or in a common area such as a basement or cellar.
3. Each principal building shall provide, in an enclosed area, laundry facilities for the exclusive use of the occupants of the building.
4. Cellars shall be permitted, but the use of any cellar must be specified in detail in the site plan. No dwelling units shall be permitted in cellars.
5. Built-in air conditioning units shall not project more than two inches from the outside face of the wall.
6. The minimum floor area for any unit shall be:

1-bedroom	550 square feet
2-bedroom	660 square feet
3-bedroom	800 square feet

or in conformity with the standards set forth in the Department of Housing and Urban Development, Minimum Property Standards for Multi-Family Housing, 401.3.1

- to 3.6 (1979), whichever is less. No garage, cellar or storage area shall be counted towards meeting the minimum floor area requirement for dwelling units. At least 20 percent of the low and moderate income units shall be three bedroom units and no more than 50 percent shall be one bedroom or efficiency units.
7. The front or rear set-back of any garden apartment building as measured from the curb of any private street, drive or parking area, shall be not less than 20 feet. The side set-back of any garden apartment-building as measured from the curb of any private street, drive or parking area shall be not less than 10 feet.
- 8.- The distance between-walls of adjacent buildings shall be not less than 20 feet for side or end walls and not less than 30 feet for front or rear walls.
9. Other building requirements shall be as set forth in Sec. 28-21, Schedule of Requirements, Residential Zones.

Sec. 28-56A. Streets and Sidewalks.

1. Any new public street, private interior road or driveway shall be constructed so as to intersect any existing or proposed public street at least 100 feet from any existing or proposed intersection. If, in the opinion of the Municipal Agency, a proposed intersection located 100 feet from another intersection would create a special hazard because of road alignment, topographic conditions, or existing or projected traffic conditions

or other conditions, the Agency may require such proposed intersection to be located up to 200 feet from such other intersection.

2. All roads and other access ways within a Garden Apartment development shall be private roads constructed by the developer. All construction and maintenance shall be completed in accordance with specifications set by the Department of Public Works of the Borough. All interior roads and access ways shall be kept open for access by all emergency vehicles and the Department of Public Works. Maintenance, cleaning and snow removal of all such roads shall be carried out by the owner of the development according to the satisfaction of the Borough. Any failure on the part of the owner to comply shall result in the work being done by the Borough at the expense of the owner and, to the extent permitted by law, such expense shall become a lien against said property.
3. All private interior roads shall have a right-of-way width of 40 feet and a curbed pavement width of 30 feet for two-way streets and a right-of-way width of 35 feet and a curbed pavement width of 25 feet for one-way streets.
4. Sidewalks along public streets shall be constructed in accordance with municipal standards, except that

the Municipal Agency shall have the power to decrease the number and width of such sidewalks if it deems it necessary in accordance with ARTICLE VI-C,

Affordability Controls.

5. Sidewalks of at least four (4) feet in width shall be provided to connect every entrance to each building with a public street or interior road, to connect each residential building to the parking areas serving such building, to provide access to each service entrance and wherever else required by the Municipal Agency at the time of site plan approval.
6. Sidewalks of at least four (4) feet in width shall be provided on at least one side of all private roads.
7. No sidewalks, with the exception of those leading to and from building entrances and exits, shall be placed closer to a building than ten (10) feet.
8. Sidewalks not on public streets shall be of concrete, constructed in accordance with the Borough's specification ordinance except that the Municipal Agency shall have the power to modify these standards if it deems it necessary in accordance with ARTICLE VI-C, Affordability Controls.

Sec. 28-57A. Utilities and Services

1. Every dwelling unit shall be provided with public water and public sanitary sewer, which shall be installed by and at the expense of the developer. The design and

installation of the sewer system shall be subject to the written approval of the Borough Engineer.

2. All utilities shall be installed underground.
3. Street lighting on public and private streets shall be in accordance with specifications in the Borough ordinances. Additional lighting shall be provided as necessary, to minimize hazards to pedestrians and motor vehicles in parking areas, near dwelling entrances and along sidewalks.
4. If refuse pick-up areas are provided, they shall be located for the occupants¹ convenience. All such areas shall be screened with evergreens on three (3) sides and planted to the height of at least 4 feet, or with a solid wood or decorative masonry screen high enough to shield the containers in the pick-up areas.
5. Television antenna equipment shall be built into the building or provided by means of a common antenna tower, provided that such tower receives all required municipal approvals.

Se. 28-58A. Landscaping and Screening.

1. All developments shall be provided with liberal and functional landscaping schemes. Roads and pedestrian walks shall be provided with shade trees which are at least a minimum size and character in accordance with the recommendations of the Shade Tree Committee of the Borough.

2. Open space adjacent to buildings, malls between buildings intended for utilization by residents and border strips along the sides of pedestrian walks shall be graded and seeded to provide a thick stand of grass or planted with trees and shrubs or any combination thereof. Areas not used for buildings, recreation equipment, drives, parking spaces" or sidewalks shall be seeded or landscaped, and maintained in a proper condition. Unless all of the dwelling units are to be rented, these areas shall be placed in a common open space organization plan, pursuant to ARTICLE XIV of Chapter 17 (DRO) .
3. Where necessary to shield occupants and adjoining properties from unsightly, disturbing or light glaring areas, screening or buffers consisting of a solid evergreen hedge at least five (5) feet tall at planting .or earth berms and smaller plantings totaling five (5). feet in height shall be installed. The Municipal Agency may permit a solid wood fence or decorative masonry wall in lieu-of'an evergreen hedge where conditions warrant,
4. The developer shall furnish, together with the plans and specifications required under Chapter 17 (Development Review Ordinance) of the Code of the Borough of Lincoln Park, landscaping plans drawn by a licensed professional indicating landscaping intended for the development as well as plans for

lighting the grounds, roads, drives, walks, parking areas and building entrances. Additional plans shall show contours, drainage areas, streams, wooded areas and any other natural features of the land in a natural state before development proposals.

5. There shall be a buffer strip of at least twenty (20) feet in width on all lot lines adjoining zone district line and on all lot lines adjoining existing improved residential property. No buffer shall be required where such lot line borders a public street. All such buffer strips, if wooded, shall remain in their natural state or otherwise shall be planted with an evergreen screen at least six'(6) feet in height.

Sec. 28-59A. Miscellaneous Provisions.

- 1.- Recreational equipment, if any, shall not be located in the front yard.
2. All living rooms and bedrooms shall have at least standard size windows to provide adequate light and ventilation.

SECTION 4. ARTICLE VI-B, shall be entitled "ACH_f ADULT COMMUNITY HOUSING, SUBSIDIZED AND NON-SUBSIDIZED OVERLAY ZONE", and shall read as follows:

ARTICLE VI-B

ACH_f ADULT COMMUNITY HOUSING, SUBSIDIZED
AND NON-SUBSIDIZED OVERLAY ZONE

Sec. 28-50B. Permitted Uses.

Within the ACH/Zone^{overlay}, no premises, lot, building or structure shall be used and no building or structure shall be erected or altered to be used in whole or in part for any other than the following purposes:

1. All underlying zone uses. Bulk regulations for the underlying zones apply except when the land is developed in accordance with the provisions of the ACH Zone.-
2. Subsidized low and moderate income senior citizen housing developed by non-profit or limited profit qualified sponsors financed and otherwise subsidized by the U. S. Department of Housing and Urban Development and/or the N.J. Housing Finance Agency, subject, nevertheless, to the further provisions of this Ordinance.
- 3 -. Non-subsidized fair market developments in accordance with standards applicable to the TH-S Zone, ARTICLE VI., except that:
 - (a) Occupancy shall be limited to persons 52 years and older having no resident child less than 19 years of age;

(b) density shall not exceed ten (10) dwelling units per acre.

Cc) All special conditions in Sec. 28-53B 2 and Sec. 28-55B 1,2,6 & 7, applicable to Subsidized Senior Citizen development shall be applied to fair market Adult Community Housing;

(d) 1.5 off-street parking spaces shall be required for each dwelling unit.

(e) The developer shall set aside not more than twenty (20%) percent of the total units for low and moderate income senior citizen households in accordance with ARTICLE VI-C,

" " " Affordability Control Standards.

Sec. 28-51B. General Requirements for Subsidized ACH Developments

1. The residents of a Subsidized ACH Development established pursuant to this Subsection, shall be limited to qualifying low and moderate income elderly and handicapped persons as defined and otherwise in accordance with the standards and requirements established by the U. S. Department of Housing and Urban Development and/or the N.J. Housing Finance Agency, provided that handicap unit allocation shall not exceed such requirements and further provided that an adult at least eighteen (18) years of age may reside in a dwelling unit with a qualified resident if the presence of such person is essential for the physical well being of the qualified resident.

2. Residency Priority (Federal or State Funded Projects). Subject to requirements and standards established by the funding agency, preference shall be given in the following order:

First Priority: Lincoln Park senior citizens.

Second Priority: Senior Citizens who are parents of Lincoln Park residents.

Third Priority: Senior citizens who have resided within Lincoln Park within the last three year.

Fourth Priority: Senior citizens residing within Morris County.

Fifth Priority: - Senior citizens residing in contiguous counties to Morris County.

Sixth Priority: Other senior citizens.

4. Lot Area and Density:

- a. The minimum lot size shall be five (5) acres.
- b. No subsidized housing project shall be more than one hundred and fifty (150) units.
- c. No project shall exceed a density of fifteen (15) units per gross acre.
- d. Dimensional requirements shall be subject to waiver by the Planning Board when funding agency standards differ from the appropriate section of the ordinance.
- e. Off street parking spaces shall be provided at a rate of 1 per 2 dwelling units, plus guest parking as permitted by the funding agency.
- f. Where funding agency standards are made part

of any application the Municipal Agency shall have the right to reject those standards where it is deemed detrimental to the zone plan.

4. Building Coverage:

The total ground area of all buildings, including accessory buildings, shall not exceed eighteen (18%) percent of the lot area. Maximum impervious surface shall not exceed fifty (50%) percent of the lot area,

5. In all subsidized ACH developments, the architectural design of all buildings and recreation facilities must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for senior citizens and should take into account the desires and needs of older persons for privacy, participation in social and community activities and access to community activity areas. At the same time, provisions should be made to accommodate the limitations that sometimes accompany advancing years so that independent living can be sustained.

Sec. 28-52B. Dimensional Requirements.

1. All developments shall have a minimum frontage of two hundred (200) feet upon an accepted public street, improved to the standards of the street specifications of the Borough.

2. No building or structure shall be located closer than fifty (50) feet to any boundary line of the development. No off street parking area shall be located within the front yard set-back, nor closer than twenty-five (25) feet to any property line.

3. Distance between buildings. There shall be a minimum distance between adjacent buildings equal to or greater than the height of the taller building.

4. Height Requirements. The maximum height of any building or structure shall be as required by the funding agency.

5. The minimum living floor area for each dwelling unit shall be as required by the funding agency for subsidized developments.

6. An overall theme of architectural design shall be utilized within the development for the purpose of presenting an aesthetically desirable effect and shall be such that they provide varied building elevations, design and structural appearance within the context of the overall theme.

Sec. 28-53B. Parking and Circulation:

1. Two (2) means of safe traffic ingress and egress shall be provided into the tract.

2. Each residential unit, sidewalk, driveway and common area shall be designated to provide adequate, convenient and safe use of all facilities by older persons. The grades of sidewalks, driveways and roads shall not exceed six (6) percent. Minor exceptions may be made to the grade requirements by the Municipal Agency in exceptional circumstances.

3. All internal roadways and off-street parking areas shall be paved, bounded by permanent curbing and, as required, sidewalks. All of which shall be constructed in accordance with Borough specifications.

4. Internal roadways and parking areas shall be located at least twenty-five (25) feet from a building, except where a driveway leads to a garage; at least twenty-five (25) feet from a property line and from a public street.

5. The Borough may require all streets or drives within the complex to be retained by the owner for maintenance and repairs.

6. Internal roadways shall be at least forty (40) feet of right-of-way with thirty (30) feet of pavement width for two-way traffic and thirty (30) feet of right-of-way with twenty (20) feet of pavement width for one-way traffic and shall not enter a public street within one hundred (100) feet of an intersection. Guest parking on internal roadways shall be designated and limited.

7. the arrangement and location of internal roadways, garages and parking areas shall be subject to the approval of the Municipal Agency and shall be designed to insure safe and adequate circulation for residents and their guests, and for emergency vehicles.

8. Pedestrian sidewalks shall also be provided in suitable locations including entrances and exits wherever normal pedestrian traffic will occur and in order to handle the pedestrian traffic which the development will create. Special consideration shall be given to provide pedestrian access to the central business district.

9. It is the intent of the zone plan that all multi-family ACH developments shall be designed and maintained as private developments. Maintenance of all internal roadways, sidewalks, curbs, drainage, landscaping, sewer lines, garbage collection, lighting and other common space services such as snow and ice removal for all internal streets and walkways, shall be provided by the owner so as to maintain adequate, convenient and safe use.

10. The Municipal Agency may waive any of the above provisions and request the municipality to accept improvements as public.

Sec. 28-54B. Landscaping and Screening:

1. The developer shall furnish along with the plans and specifications required under Chapter 17 (Development Review Ordinance) of the Code of the Borough of Lincoln Park, landscaping plans drawn by a licensed landscape architect which shall include plans for lighting the grounds, roads, drives, walks, parking areas and building entrances of the development as well as the plantings and other landscaping intended for the development. Plans shall show separately, contours, drainage areas, streams, wooded areas, and any other natural features of the land in a natural state before development proposals.

2. Downlighting shall be provided around all buildings. All walkways, parking areas, and outdoor activity areas to be used after dusk shall be lighted. Adequate shielding shall be provided so that direct or reflected glare from any on-site

source shall measure no more than one-half (1/2) foot candle at any property line v/here adjacent property is residentially zoned.

3. Any development shall be provided with liberal and functional landscaping schemes. Roads and pedestrian walks shall be provided with shade trees which are a minimum size and character in accordance with the reasonable recommendations of the Shade Tree Committee of the Borough of Lincoln Park, and ARTICLE VIII, Sec. 17-112 of the Development Review Ordinance. The owner shall be required to maintain all plantings so that they do not obstruct walks or parking areas and, where adjacent to buildings, so that they do not grow higher than any windowsill so as to obstruct the window.

4. Open Space adjacent to buildings, malls between buildings intended for utilization by residents and border strips along the sides of pedestrian walks shall be graded and seeded to provide a thick stand of grass or planted with trees and shrubs or any combination thereof. Areas not used for buildings terraces, drives and parking spaces shall be seeded and landscaped and shall be maintained in a proper condition.

5. Screening or buffers consisting of plantings, strips and fences shall be required around outdoor utilities and around any other similar areas, along property lines of adjacent properties and around all parking areas in order to shield occupants and adjoining properties from such unsightly disturbing or light glaring areas. Such screening or buffers shall be installed by the owner and shall consist .
of a solid evergreen hedge at least five (5) feet tall at planting or earth berms and smaller plantings totaling five (5) feet in height

6. There shall be a buffer strip of at least twenty-five (25) feet in width on all lot lines adjoining zone district lines and on all lot lines adjoining existing improved residential property. No buffer shall be required where such lot line borders a public street. All such buffer strips, if wooded, shall remain in their natural state or otherwise planted with a landscaped visual screen at least six (6) feet in height.

Sec. 28-55B. Special -Considerations for ACH Developments: '

1. The size and arrangement of bathrooms and fixtures therein shall be adequate for the convenient use of the older person. The floor finish shall be impervious to water, have non-slip characteristics and slope toward the center away from the door. The threshold of the bathroom shall be flush with the floor. All plumbing fixtures, accessories and trim shall be selected for and provide the maximum contribution to the safety, convenience and aid of older persons. Grab bars shall be provided beside toilets and in bathtubs and/or shower stalls. Shower stalls will include a built-in seat or bench or sufficient space for a bath stool.

2. Emergency buzzers which also unlock the front door should be installed in the bathroom and next to the bed.

3. Community/recreation facilities and lounge areas shall be provided as required by the funding agency.

4. ACH developments shall be provided with adequate public areas, such as mailroom, laundry room, lobby, lounge and/or recreation area as required by the funding agency for the use

of the residents.

5. A lockable storage space of at least thirty-two (32) square feet and not less than six (6) feet high shall be provided, for each dwelling unit. Storage shall be located in the basement or in other areas of the buildings, unless such a storage area is provided within the dwelling unit, in addition to the normal complement of closets.

6. Ramps shall be provided for access to all outdoor recreation areas within the development, as needed.

7. Ramps shall be provided at the entrances of at least twenty-five (25%) percent of all apartments in the development.

Sec. 28-56B.

Where applicable, an open space organization shall be provided pursuant to ARTICLE XIV of the DRO.

#following additions shall be made to the Senile of General Requirements,
 Section 28-21, Residential Zones:

Minimum Lot Requirements				Minimum Yard Requirements (feet) ²					Maximum Bldg. Height		Maximum Impervious Surface (Percent)		Minimum Open Space, Lot Cluster Option (Acres)	Minimum Floor Area Per Dwelling Unit (sq. ft.)
Conventional Lot		Lot Cluster		Principal Bldg.			Accessory Bldg.		Stories	Feet	Conventional Lot	Lot Cluster		
Area (sq. ft./acres)	Frontage (feet)	Area (sq. ft./acres)	Frontage (feet)	Front	Side	Rear	Side	Rear						
ac.	100	NA	NA	50 ⁸⁾	50 ⁸⁾	50 ⁸⁾	25 ^{B)}	25 ⁸⁾	3	35	60%	NA	See Section 28-56.1	
one	none	NA	NA	30 ⁸⁾	20 ⁸⁾	30 ⁸⁾	2P ⁸⁾	20 ⁸⁾	3	35 ⁹⁾	65%	NA	See Section 28-55A.1	

the property lii. The municipal agency may permit lesser distance where conditions warrant/
 permit a height of up to 40 feet where necessary to accommodate
 5 ft above U flood plain.

SECTION 5. ARTICLE VI-C shall be entitled "AFFORDABILITY CONTROL", and shall read as follows:

ARTICLE VI-C

AFFORDABILITY CONTROL

Sec. 28-50C. Purpose.

The purpose of this SUBARTICLE is to insure that low and moderate income housing units constructed pursuant to set-aside regulations in the Zoning Ordinance remain a low and moderate income housing resource, and to provide affordability control procedures and implementing mechanisms.

Sec. 28-51C Definitions.

Affordable (A) means that ownership expenses

for principal, interest, taxes

j - and insurance, and condominium

fees, if any, excluding, however,

maintenance, heating and utility

costs, shall not exceed (without

the express written consent of

the New Jersey Office of Public Interest

Advocacy) 25% of the upper income

limit for low or moderate..Income

..... - - households, as the case may be. In

determining ownership expenses in

terms of qualifying household size -r

1-bedroom = a 2-person household

2-bedrooms = a 4-person household

3-bedrooms = a 6-person household

(B) means that rental expenses for monthly contract rent, excluding utility charges, if any, shall not *•exceed 25% of the upper income limit for low or moderate income households, as the case may be.

Association, means an organization for the private ownership and maintenance of any open space, community buildings¹ amenities and improvements, including utilities, for the benefit of owners or residents of the development,ⁱ whether or not such organization shall be controlled by the developer or home owners, .

Economic Analysis Model, is a financial analysis of housing cost components and development costs, modeling the effect of set-asides and other inclusionary zoning devices, upon the delivery of affordable (low-moderate income) housing;

(1) in developments where mandatory set-aside regulations apply; or (2) where a developer seeks a density bonus or other inclusionary relief; or (3) where a developer seeks a density bonus or other inclusionary relief by means of a

zoning variance.

Interest rate, for the purpose of calculating affordability, shall mean the average of the National Mortgage Contract Rate blend of fixed and adjusted mortgages and the Federal Mortgage Bank published averages, "not to currently exceed a 12.5% mortgage interest rate, but subject to subsequent annual adjustment by the Fair Housing Committee, based upon a survey of prevailing mortgage interest rates.

Low Income households, are, those whose income fall below 50% of the area's median household income, adjusted for household size, as established periodically by H.U.D.

Mandatory Set-Aside, is an inclusionary zoning device providing internally subsidized dwelling units for low and moderate income households for rent or sale, as part of a development proposal.

Moderate Income households, are those whose income fall between 50 to 80% of the area's median household income, adjusted for household size, as established periodically by H.U.D.

Sales Price, means a stabilized sale price for low-moderate income units, fixed as a condition of final development approval and thereafter adjusted with the written approval of the Fair Housing Committee, based on changes in the Consumer Price Index, subsequent to the date of final approval.

A Fair Housing Committee (FHC) is hereby established consisting of five (5) citizens of the Borough, to be appointed by the Mayor, with the advice and consent of the Council, to serve for initial, staggered terms as follows:

2 members for 1 year,

2 members for 2 years,

1 member for 3 years

Thereafter, each member shall serve for a 3-year term.

The FHC shall be charged with the following responsibilities

- (A) assist the developer, owner or tenant association, in establishing procedures and standards in accordance with this Ordinance, for implementing the affordability "control mechanism.
- (B) monitor affordability control compliance by developers, owner or tenant associations, fee owners and other parties in interest, including compliance with deed restrictions and disposition covenants.
- (C) in connection with the first and subsequent occupancy of all set-aside sale and rental units, review and amend the approved price stabilization plan, review implementation of affordability control standards and procedures, and in its sole discretion, make binding recommendations for changes in procedures or exercise the

right to disapprove occupancy for any or all set-aside sale or rental units in instances where eligibility is in question.

(D) . thereafter, review and approve annual set-aside occupancy reports prepared and filed by the developer, association or any party in interest, as may be required by its practices and procedures, or as contained in its rules and regulations.

(E) promulgate rules and regulations subject to approval by the Governing Body and implementation in ordinance form.

(F) file periodic reports with the Mayor and Council concerning the discharge of its responsibilities and immediately report non-compliance with affordability control standards and procedures for such action as the Council may deem appropriate.

(G) monitor all governmental subsidy programs and make recommendations to Governing Body and Planning Board in connection therewith.

Sec. 28-53C. Affordability Control Standards.

"Deed" restrictions or^r disposition covenants in recordable

form, satisfactory to the Borough Attorney, shall restrict fee or leasehold disposition of all set-aside units for a term of 30 years. Restrictions or covenants shall provide that sale price or rent may not exceed original price or rent as inflated by 75% of the CPI plus documented capital improvements unless the owner or landlord can demonstrate to a Court of Law that such limitations are confiscatory with respect to the income stream for the entire project.

Sec. 28-54C. Economic Analysis.

Each development application in any zoning district having low and moderate income set-aside units shall provide an economic analysis of the effect of the proposed number of set-aside units upon the economic feasibility of the development. The economic analysis shall provide the information required and otherwise be generally in accordance with the sample project development models hereto annexed as Schedule A.

Sec. 28-55C. Application Procedures.

(A) Fair Marketing Program. The Fair Housing Committee shall establish procedures in connection with initial sales or rentals of all set-aside units and the developer shall be required to submit to the Fair Housing Committee, for its approval, an approved affirmative fair marketing program in accordance with such established procedures.

(B) Forms. Application forms and procedures for initial or first occupancy shall be subject to the approval of the FHC, provided that the same shall be submitted to the FHC for its review, not later than 120 days in advance of the estimated first occupancy date of any unit within a project. Applications shall provide information respecting the applicants¹ most recent Federal income tax return for the immediate past two (2) annual filing periods, and data as to family size and age, and a certification as to income from any other source.

(C) Review-Summary Report. The developer shall review all applications for set-aside dwelling unit occupancy in accordance with the standards and procedures in this Ordinance. The developer shall file with the FHC, summary report containing a compilation of data taken from application forms for all unit's occupants and pending and rejected applicants, together with the reason for any rejection. Action on all applications shall, at all times, comply with applicable fair housing law and practices. The names and addresses of applicants shall not be divulged in summary reports, provided that the FHC may, under appropriate safeguards so as to avoid public disclosure, require production of such information.

Notwithstanding the foregoing, the FHC, in its discretion, shall have the right to disapprove occupancy as provided in paragraph • (C) - of Sec. 28-52 C above.

(D) Certification, Each developer shall certify, to the FHC, the eligibility of all applicants for sale and rental units not less than 10 days after execution of a sales contract or binder or lease application*or agreement; however, not less than 30 days prior to occupancy,.. The Certification shall provide information respecting applicant's compliance with all applicable affordability control standards, including a statement that price-or rent shall-not exceed original or amended price or rent as annually inflated by 757* of the CPI, plus documented capital improvements. Certification shall be made in affidavit form, subject to penalty for perjury, and personally signed by the developer, or in- the case of a corporation, the principal stockholder, or in the case of a partnership, the general or principal partner. Association certification shall be made by the president or chairman of the board of trustees. Rental occupants shall be periodically recertified provided that all certifications shall lapse within the period of three (3) years.

(E) Low-Moderate Ratio. In acting upon applications, the Fair Housing Committee shall maintain a one-to-one low-moderate income ratio within each development project and throughout the Borough.

.(f}- --Phasing-Schedule^ - The developer shall submit a phasing schedule for the construction of the low and moderate income units. The developer may construct the first twenty (20%) percent of-the developmenfwithout constructing any low or moderate income units. Not more than forty (40%) percent of the units in the development shall be constructed until at least twenty (20%)

percent of the low and moderate income units shall have been constructed and sold to or reserved for eligible purchasers. Not more than sixty (60%) percent of the units in the development shall be constructed until at least forty-five (45%) percent of the low and moderate income units shall have been constructed and sold to or reserved for eligible persons. Not more than eighty (80%) percent of the units in the development shall be occupied until at least seventy (70%) percent of the low and moderate income units shall be constructed and sold to or reserved for lower income persons. No certificate of occupancy shall be issued for units other than units affordable to low or moderate income households until all low and moderate income units in the previous phase have been completed.

Sec.- 28-56C. Resale and Rental Controls.

(A) Sales. The developer shall submit a plan for resale or rental controls to ensure that the units remain affordable to low and moderate income households for at least thirty (30) years. Where a low moderate income unit remains unsold for a period of six (5) months the developer shall be at liberty to rent such unit for a period not to exceed one (1) year and thereupon the resale limitations in this article shall automatically reapply. The purchaser of a unit shall be entitled to resell the unit for:

- (a) the original sales price plus the original sales price multiplied by seventy-five (75%) of the percentage increase in the Consumer Price Index between the date of purchase and the date of resale, and
- (b) reimbursement of documented monetary outlays for reasonable improvements, and
- (c) any reasonable costs incurred in selling the unit.

The low income units upon resale may be sold only to low income persons, and the moderate income units may be sold to low or moderate income purchasers. If, however, no low income purchaser is found within six (6) months, the low income unit may be sold to a moderate income purchaser, or, if none is available, to any interested purchaser. If no moderate income purchaser is found for a moderate income unit within six (6) months, the unit may be sold to any purchaser. Regardless of the income of the purchaser, the resale controls shall remain in effect for subsequent resales.

(B) Rentals. Where units are offered as rental units they shall continue to be offered as rental units for fifteen (15) years. After fifteen (15) years they may be sold at prices affordable to moderate income households, subject to such resale price controls as may be necessary to ensure that the units continue to be affordable to moderate income households for the remainder of the thirty (30) year period commencing from the date of initial rental.

Sec* 23-^576; Other Inclusionary Relief.

To the extent that a developer may prove by an economic feasibility study (economic analysis) that additional inclusionary relief may be required so as to develop a project with the required twenty (20%) percent low/moderate income housing, then such developer may request the Planning Board or the Borough Governing Body, to further increase unit density, waive condominium fees for set-aside units or modify cost generating

ordinance standards, or to grant tax abatement to qualifying units where authorized by law.

Additionally, following satisfaction of the Borough's Mount Laurel obligations on a community-wide basis, the developer may request the Planning Board or the Borough Governing Body, to further increase fair market unit density and allow set-aside unit apportionment at a ratio of two (2) moderate units for one (1) low unit.

Sec. 28-58C. Rules and Regulations.

The FHC shall be authorized to adopt by-laws and other rules and procedures, and to hire a secretary, or to provide clerical assistance and legal counsel, as may be required, subject to budgetary limitations. The FHC shall also provide a mechanism for insuring that waiting lists of certified eligible occupants shall not be less than ten (10%) percent of the total number of set-aside units in the Borough.

All FHC by-laws and other rules and procedures shall be subject to the prior approval of the Governing Body, by resolution or ordinance, as may be appropriate.

Sec. 28-59C. Penalty.

Any person, firm, corporation, partnership or association violating the provisions of any section of this Ordinance, or any rule, regulation or order promulgated pursuant thereto, shall be punished by a fine not to exceed \$500.00, or by imprisonment for a period of not exceeding ninety (90) days, or by both such fine and imprisonment. The violation of this Ordinance, or any section, or any rule, regulation or order

promulgated pursuant thereto, shall constitute a separate offense during each day that it continues, unless otherwise provided.

Whenever any such fine is imposed, such fine and costs and charges incident thereto may be collected in an action of debt or in such other manner as may be provided by law.

SECTION 6. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be judged to be invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 7. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

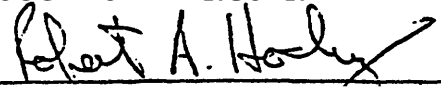
SECTION 8. This Ordinance shall take effect twenty (20) days after adoption

ATTEST



Kay A. Wlfcman, Clerk

BOROUGH OF LINCOLN PARK



ROBERT A. HOSLEY, Council Pre

Dated: July 23, 1984

Total No. of units _____

Total Acres _____

Gross density _____

Total Units

Fair Market	1 Br. \$ _____	Moderate	1 Br. \$ _____	Low	1 Br. \$ _____
	2 Br. \$ _____		2 Br. \$ _____		2 Br. \$ _____
	3 Br. \$ _____		3 Br. \$ _____		3 Br. \$ _____

Stablized Sales Prices

Fair Market	1 Br. \$ _____	Moderate	1 Br. \$ _____	Low	1 Br. \$ _m _____
	2 Br. \$ _____		2 Br. \$ _____		2 Br. \$ _m _____
	3 Br. \$ _____		3 Br. \$ _____		3 Br. \$ _____

Monthly fcosts

	1 Br.	<u>Moderate</u> 2 Br.	3 Br.	1 Br.	Low FT _r .	3 Br.
Principal & Interest	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Insurance	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Taxes	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Utilities	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Assoc. Fees (if any)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
TOTAL	<u>1</u> _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

Qualifying Income

Family Size	<u>Moderate</u>		<u>Low</u>	
	Monthly	Annual	Monthly	Annual
2	£ _____	\$ _____	\$ _____	\$ _____
	_____	\$ _____	_____	\$ _____
6	\$ _____	\$ _____	\$ _____	\$ _____

List in detail*all public improvements, the cost of such improvements and the apportionment costs between public and private.

List in detail the cost of all off-tract improvements and the per unit cost, attributable to Set-Aside Units.

AN ORDINANCE TO AMEND CHAPTER 28,
ZONING MAP OF THE BOROUGH OF
LINCOLN PARK, MORRIS COUNTY, NEW
JERSEY, DATED APRIL, 1978, IM-
PLEMENTING THE TERMS AND CONDITIONS
OF THE SETTLEMENT OF A CERTAIN ACTION
ENTITLED "MORRIS COUNTY" FAIR HOUSING
COUNCIL, et als. v. BOONTON TOWNSHIP,
et als., SUPERIOR COURT OF NEW JERSEY,
LAW DIVISION, DOCKET NO. L-6001-78 P.W."

1000 July 23 1984
August 14, 1980
factv

Certified to be a true and correct copy of the original as shown to me at a meeting of the governing body of Lincoln Park on July 23, 1980.
Margaret Piccoli
Clerk

M
OF NEW JERSEY
AND
OF THE COUNTY OF MORRIS

BE IT ORDAINED, by the Governing Body of the Borough of Lincoln Park, Morris County, New Jersey, that the Zoning Map of the Borough of Lincoln Park, Morris County, New Jersey, dated April, 1978, and adopted as part of the Zoning Ordinance, be amended as follows:

SECTION 1. -The following-described premises located in the R-15 and R-20 districts shall be, and the same is hereby rezoned to TH-S, TOWNHOUSE SET-ASIDE ZONE, as follows:

Townhouse Set-Aside,
East Tract
Located on Skyline Drive

See Schedule A annexed hereto and made a part hereof.

SECTION 2. The following described premises located in the R20 and CR (Commercial-Recreation) districts, shall be, and the same is hereby rezoned to TH-S, TOWNHOUSE SET-ASIDE ZONE, as follows:

Townhouse Set-Aside,
South Tract
Located on Pine Brook Rd.

See Schedule B annexed hereto and made a part hereof.

SECTION 3. The following described premises located in the R-40, TI (Transitional-Industrial) and I (Industrial) districts, shall be, and the same is hereby rezoned to TH-S, TOWNHOUSE SET-ASIDE ZONE, as follows:

Townhouse Set-Aside,
West Tract
of the Airport

See Schedule C annexed hereto and made a part hereof.

SECTION 4. The following described premises located in the B-2 district, shall be, and the same is hereby additionally re-zoned to GA-S, GARDEN APARTMENT SET-ASIDE OVERLAY ZONE, as follows:

Garden Apartment Set-Aside,
West Tract
Located on Beaver Brook Road

See Schedule D annexed hereto and made a part hereof.

SECTION 5. The following described premises located in the PRD II district, shall be, and the same is hereby additionally re-zoned to GA-S, GARDEN APARTMENT SET-ASIDE OVERLAY ZONE, as follows:

j Garden Apartment Set-Aside,
 Central Tract
i'. Located on Boonton Turnpike

See Schedule E annexed hereto and made a part hereof.

SECTION 6. The following described premises located in the R-20 district, shall be, and the same is hereby additionally re-zoned to GA-S, GARDEN APARTMENT SET-ASIDE OVERLAY ZONE, as follows:

Garden Apartment Set-Aside,
East Tract
Located on Pine Brook Road

See Schedule F annexed hereto and made a part hereof.

SECTION 7. The Zoning Map of the Borough of Lincoln Park referred to in Chapter 28, Section 28-11, Zoning Ordinance, of the Revised Ordinances of the Borough of Lincoln Park, shall be

amended in accordance with the provisions of this ordinance.

SECTION 8. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistencies <.

SECTION 9. This ordinance shall take effect twenty (20) days after final passage and publication as prescribed by law.

ATTEST:

BOROUGH OF LINCOLN PARK

Kay Wittman

By: Robert A. Hosley
ROBERT A. HOSLEY, Council President

Kay Wittman, Clerk

July 23, 1984

SCHEDULE A

TOWNHOUSE EAST
SKYLINE DRIVE

• - - DESCRIPTION OF TH-S ZONE

Beginning at a point in the easterly sideline of Skyline Drive (60 feet wide) said point being distant 68.98 feet on a bearing of $N 32^{\circ}29'50'' E$ from the intersection of said easterly sideline of Skyline Drive and the northerly sideline of Pine Brook Road (60 feet wide) and running; thence,

1. $N 57^{\circ}30'10'' W$ 144.75 feet to a point; thence,
2. $N 01^{\circ}00'00'' E$ 96.31 feet to a point; thence,
3. $S 88^{\circ}42'10'' E$ 98.66 feet to a point; thence,
4. $S 74^{\circ}46'43'' E$ 260.32 feet to a point; thence,
5. $S 41^{\circ}49'06'' E$ 50.99 feet to a point; thence,
6. $S 70^{\circ}59'22'' E$ 100.00 feet to a point; thence,
7. $S 19^{\circ}00'38'' W$ 57.45 feet to a point; thence,
8. $S 84^{\circ}27'10'' E$ * 284.16 feet to a point of curvature; thence,
9. Southeasterly, ✓
Easterly and
Northeasterly / Along a curve to the left having radius of 342.37 feet, a central angle of $S1^{\circ}S^{\circ}S''$ and an arc length of 190.91 feet to a point of reversion; thence,
10. Northeasterly and ✓
Easterly / Along a curve to the right having radius of 301.00 feet, a central angle of $32^{\circ}07'15''$ and an arc length of 168.75 feet to a point of reversion; thence,

- | | |
|---|---|
| 11. Easterly and
Northeasterly ✓ | • Along a curve to the left having a
• radius of 4D4.10 feet, a central
angle of 18°03'09" and an arc leng
of 152.53 feet to a point of tange
thence, |
| 12. N 77°40.1'0.0" E ✓ | ^56.37 feet to a point of curvature
thence, |
| 13. Northeasterly,
Easterly and ✓
Southeasterly | Along a curve to the right having
/radius of 250.00 feet, a central
angle of 14°00'00" and an arc leng
of 61.09 feet to a point of tanger
thence, |
| 14. S 88°20'00" E ✓ | '305.00 feet to a point; thence, |
| 15. S 01°40'00" W ✓ | •'1063.92 feet to a point; thence, |
| 16. S 83°45'02" W ✓ | '820.73 feet to a point; thence, |
| 17. N 88°42'00" W ✓ | •'100.00 feet to a point; thence, |
| 18. N 53°11'06" W- | *326.28 feet to a point; thence, |
| 19. N 58°28'50" W ✓ | '200.00 feet to a point? thence, |
| 20. N 31°30'17" W- | '266.46 feet to a point on a curve
in the easterly sideline of Skyli
Drive; thence, |
| 21. Southwesterly ✓ | ^-Along a curve to the left having
radius of 270.00 feet, a central
angle of 16°07'40" and an arc ler
of 76.00 feet to a point of tange
thence, |
| 22. S 32°29'50" ✓ | ' 177.12 feet to the point or placi
beginning. . |

CONTAINING - 40.91 ACRES

BEGINNING AT A POINT, said point being the northwest corner of Lot 8, Block 136 and the southwest corner of Lot 8-3, Block 136, said point also being in the eastern line of Lot 3, Block 136, as shown on the Tax Maps of the Borough of Lincoln Park, thence;

1. southeasterly along the common line of Lot 8 and Lot 8-3, 171.92 feet to a point, said point being the southeast corner of Lot B-3 and the southwest corner of Lot 8-1, Block 136, thence;
2. southeasterly along the southern line of Lot 8-1, said line being also the common to Lot 8, 186.00 feet to a point, said point being the southeast corner of Lot 8-1, thence;
3. northeasterly along the eastern line of Lot 8-1, said line being also common to Lot 8, 365.12 feet to a point, said point being in the southern right-of-way line of Pine Brook Road,; thence;
4. southeasterly along said right-of-way line to a point, said point being the northeast corner of Lot 8 and the northwest corner of Lot 8-2, Block 136, thence;-
5. southwesterly along the eastern line of Lot 8, 871.12 feet to a point, thence;
6. northwesterly along the northerly line of Lot 8-2, 212.16 feet to a point in the easterly right-of-way line of the 50 foot right-of-way, thence;
7. southwesterly along the westerly line of Lot 8-2, 722.13 feet to a point/ thence;
- f. southwesterly along the westerly line of Lot 9, 924.00 feet to a point in the northerly line of Lot 4, thence;
- S. southwesterly along the eastern line of Lot 5, said line being also common to Lot 4, 8.38 feet to a point, said point being the southeast

10. southwesterly along the southern line of Lot 5, said line being also common to Lot 4, 503.98 feet to a point, said point being the southwest corner of Lot 5 and the southeast corner of Lot 3, point also being in the line of Lot 4, thence;
11. northeasterly along the eastern line of Lot 3, said line being also common to Lot 5, 946.56 feet to a point, thence;
12. northwesterly along the eastern line of Lot 3, said line being also common to Lot 5, 47.06 feet to a point, thence;
13. northeasterly along the eastern line of Lot 3, said line being also common to Lot 5, 378.18 feet to a point, said point being the northwest corner of Lot 5, point being also in the southern line of Lot 8, thence;
14. northwesterly along the southern line of Lot 8, said line being also common to Lot 3, 63.80 feet to a point, said point being the southwest corner of Lot 8, thence;
15. northeasterly along the eastern line of Lot 3, said line being also common to Lot 8, 1027.93 feet to THE POINT AND PLACE OF BEGINNING.

This is meant to describe a parcel of land comprised of Lot 5 and Lot 8, Block 136 containing approximately 34.16 acres. Distances described are those distances shown on the Tax Maps of the Borough of Lincoln Park, New Jersey.

*Townhouse Set-Aside
West Tract Located West of The Airport*

BEGINNING AT A POINT in the southerly line of Jacksonville Road said point being at the division line of Block 3, Lot 3-2, on the west and Block 3, Lot 4, said point being 1730 feet more or less from the point of intersect of the southerly right-of-way of Jacksonville Road and the westerly right-of-way of Beaver Brook Road thence;

- 2. along the division line of Block 3, Lot 4 and Block 3 Lot 3 southerly 1060 feet more or less to a point and corner, thence;*
- 2. along the division line of Block 3, Lots 3 and 4 on the north and Block 3, Lot 7 on the south, westerly 340 feet more or less to a point and corner, thence;*
- 3. along the division line of Block 3, Lot 3-1 on the west and Block 3, Lot 7 on the east, southerly a distance of 200 feet more or less to a point and corner, thence;*
- 4. along the division line of Block 3, Lots 6 and 8 on the south and Block 3 Lot 7 on the north, easterly a distance of 80 feet more or less to a point and corner, thence;*
- 5. along the division line of Block 3, Lot 8 on the west and Block 3, Lot 7 on the east, southerly a distance of 1150 feet more or less to a point a- corner, thence;*
- 6. still along the division line of Block 3, Lot 8 and 9 on the north and Block 3, Lot 7 on the south, westerly a distance of 890 feet more or less to a point a corner, thence;*
- 7. along the division line of Block 3, Lot 9 and Block 3, Lot 7, the following three (3) courses; southerly a distance of 550 feet more or Jess to a point and corner, thence;*
- £. along the last mentioned division line westerly a distance of 40*

9. still along the same, southerly a distance of 580 feet more or less to a point thence;

10. making a new line through lands of Block 3, Lot 7 northeasterly a distance of 1300 feet more or less to a point, thence;

21. along the division line of Block 3, Lot 11 on the south and Block 3, Lot 7 on the north a distance of 500 feet more or less to a point, thence;

12. making a new line through lands of Block 3, Lot 7 northeasterly a distance of 880 feet more or less to a point and corner thence;

13. making a new line through lands of Block 3, Lot 7 northerly a distance of 2470 feet more or less to a point and corner thence;

14. along the division line of Block 3, Lot 10 on the east and Block 3, Lot 7 on the west, northerly a distance of 680 feet more or less to a point in the southerly line of Jacksonville Road, thence;

15. along the last mentioned line of Jacksonville Road westerly 770 feet more or less to THE POINT AND PLACE OF BEGINNING.

Containing .73 acres of land more or less.

. SCHEDULE D.

Garden Apartment Set-Aside West.
Beaver Brook Road

BEGINNING in the centerline of McKelvey Street, at the point of intersection of said centerline of McKelvey Street with the centerline of Beaver Brook Road, running thence (1) Northwesterly along the centerline of Beaver Brook Road to its intersection with the southerly right-of-way of the Conrail property; thence (2) Easterly along the southerly right-of-way of said Conrail property a distance of approximately 1100 feet to the westerly sideline of McKelvey Street; thence (3) In a southerly direction along the westerly sideline of McKelvey Street to the point and place of BEGINNING.

SCHEDULE E.

Garden Apartment Set Aside, Central Tract
Boonton Turnpike

BEGINNING in the centerline of East Main Street/ at the point of intersection of said centerline of East Main Street with the centerline of Suiranerbell Lane, running thence (1) Southerly along the centerline of Summerbell Lane to the northerly line of Lot 317, Block 22, thence (2) Westerly along the northerly line of Lot 317 a distance of approximately 20 ft. to the easterly sideline of Lot 328, Block 22, thence (3) Southerly along the westerly line of Lots 317, 336 and 335 to the centerline of Boonton Turnpike, thence (4) Westerly along the centerline of Boonton Turnpike to the prolongation of the westerly line of Lot 321, Block- 22, thence (5) Northerly along the westerly line of Lot 321, Block 22, to its prolongation and intersection with Lot 310, Block 22, thence (6) Northerly along the Westerly line of Lot 310, Block 22 to the point of intersection with the centerline of Main Street, thence (7) Easterly along the centerline of Main Street to the point of intersection with East Main Street, thence (8) Easterly along the centerline of East Main Street to the point of intersection with the centerline of Summerbell Lane, to the point and place of BEGINNING.

SCHEDULE F.

GARDEN APARTMENT SET-ASIDE, EAST TRACT
Pine Brook Road

Beginning at a point in northerly sideline of Pine Brook Road (60 feet wide) said point being distant along the following courses from the intersection of the northerly sideline of Pine Brook Road and the easterly sideline of Skyline Drive (60 feet wide) and running; thence,

A. S 58°28'50" E ✓

14.00 feet along the northerly sideline of Pine Brook Road to a point;

B. S 52°21'10" E ^

6.85 feet along said northerly sideline to the point of beginning and running; thence,

1. N 01°18'00" E ✓

25.00 feet to a point; thence,

2* N 83°45'02" E ^

820.73 feet to a point; thence,

3. S 88°20'00" Z"

87.30 feet to a point; thence,

4. S 01°40'00" W-

473.26 feet to a point; thence,

5. S 25°15'10" W-

366.47 feet to a point in the northerly sideline of Pine Brook Road; thence,

6. N 64°44'50" W

105.09 feet to a point of curvature in said northerly sideline; thence,

Northwesterly ^

Along a curve to the right having radius of 1,407.69 feet a central angle of 12°23'40" and an arc length of 304.52 feet to a point of tangency; thence,

B. N 52°21'10^{fl} W^

' '30.67 feet still along said norther
sideline to the point or place of
beginning.

1 •

CONTAINING 12.15 ACRES

44-85

AN ORDINANCE TO LIMIT DEVELOPMENT
IN THE BOROUGH OF LINCOLN PARK BY
AMENDING THE TITLE AND PROVISIONS
OF THE PHASING OF DEVELOPMENT
ORDINANCE, CHAPTER 28, ARTICLE
VI-D.

BE IT ORDAINED, by the Governing Body of the Borough of
Lincoln Park, in the County of Morris, as follows:

SECTION 1. Sec. 28-50-D. Purpose., shall be amended to
read as follows:

Sec. 28-50-D. Purpose.

The purpose of the ARTICLE is to limit the number of multi-
family units constructed in the Borough of Lincoln Park to 890
units over-all, including 178 new set-aside units, pursuant to the
terms and conditions of the settlement of an action entitled
"MORRIS COUNTY FAIR HOUSING COUNCIL, et als. v. BOONTON TOWNSHIP,
et als., SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, DOCKET NO.
L-6110-78 P.W.". The limitations on processing development review
applications provided for, are intended as a mechanism to allow
the Governing Body sufficient time to consider and effectuate
suspension of zoning in all set-aside zones as otherwise authorize)!
in the Borough Set-Aside Ordinances, provided that the Borough is
not then in violation of the terms and conditions of the settlement
referred to above.

SECTION 2. Sec. 28-51-D shall be retitled "/Limitation on
Development", and shall read as follows:

Sec. 28-51-D. Limitation on Development.

1. There is hereby established a Borough-wide limitation* with-
in the GA-S! and TH S Zones, \ on development and the Planning Board
shall not grant approval for more than 890 units (at least 178 set-

aside units) through December 31, 1990. All applications shall be considered and acted upon in chronological order of being declared complete, except that this order may be modified as a result of extensions of time for Planning Board action pursuant to the Municipal Land Use Law. When preliminary site plan approvals have been granted for 890 units including at least 178 set-aside units, the Planning Board shall deny further site plan approvals and shall not process further applications.

2. If by December 31, 1987, less than 150 building permits for lower income housing have been issued or it appears to the Planning Board that less than 178 units will be constructed on approved sites prior to 1990, the Planning Board shall receive additional applications and shall consider and act upon such applications in chronological order until sufficient applications have been approved to make it realistically likely that 178 set-aside units shall be constructed and rented or sold prior to December 31, 1990.

3. The Public Advocate shall also receive annual notification on or before February 1st of each year of the total number of building permits and total number of building permits for set-aside units issued both in the previous year and in the aggregate to date.

4. Borough Wide Applicability. The restrictions in this Ordinance shall also be applicable to applications for development in all other zones in which the applicant proposes a gross density in excess of 4 units per acre and the provisions for set-aside of a percentage of units for low and moderate income households as defined by the provisions of Sec. 28-50-C of the Affordability

IT IS HEREBY CERTIFIED, this is a true and correct copy of an Ordinance introduced and read by title and passed on first reading July 29th, 1985 by the Governing Body, which Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 9th day of September, 1985, at 8:00 P.M. prevailing time.

Margaret Piccoli
Margaret Piccoli, Deputy Borough Clerk

ORDINANCE OF THE BOROUGH OF LINCOLN PARK.

SECTION. It is hereby enacted by the Board of Commissioners, Ordinance

PROVISION OF THIS ORDINANCE SHALL BE VALID AND EFFECTIVE, SUBJECT

TO THE PROVISIONS HEREIN APPLIED TO THE ORDINANCE, ENACTED BY THE

BOARD OF COMMISSIONERS OF LINCOLN PARK, AND THE COMMISSIONERS OF

THE BOROUGH OF LINCOLN PARK SHALL BE VALID AND EFFECTIVE.

SECTION. All ordinances or parts of ordinances heretofore

enacted are hereby repealed as to such provisions only.

This ordinance shall take effect twenty (20) days after

adoption.

ATTY GEN:

BOROUGH OF LINCOLN PARK

KAY A. WITTMAN Clerk

MICHAEL HARRIS ON PROBATION P 88.