

BOROUGH OF GIBBSBORO
HEARING NOTICE

The ordinance published herewith was introduced and passed on first reading at a meeting of the Governing Body of the Borough of Gibbsboro on July 9, 2024, at 7:00 p.m. and will be further considered for final passage after public hearing at a meeting of said Governing Body on September 10, 2024 beginning at 7:00 p.m. at the Gibbsboro Municipal Building located at 49 Kirkwood Road, Gibbsboro, NJ 08026. The ordinance for public inspection in the Clerk's office.

2024-12

**ORDINANCE AMENDING CHAPTER 400, ZONING, OF THE BOROUGH OF
GIBBSBORO TO ADD THE SENIOR RESIDENTIAL LOW AND MODERATE (SRLM)
DISTRICT TO IMPLEMENT INCLUSIONARY AFFORDABLE HOUSING ZONING**

WHEREAS, the Gibbsboro Borough Council desires to implement standards for the development of inclusionary affordable housing in the Zoning Ordinance in furtherance of the municipality's constitutional obligation to provide the opportunity for affordable housing; and

WHEREAS, it has been determined by Gibbsboro Borough Council that creation of a new RLM zoning district will effectuate the intent and purpose of the goals and objectives of the Housing Element of the Master Plan and Fair Share Plan of the Borough of Gibbsboro; and

WHEREAS, the Municipal Land Use Law requires that any amendments or revisions to Gibbsboro Borough's Zoning Ordinance shall be reviewed by the Planning Board to determine if said amendments or revisions thereto are substantially consistent with the Master Plan of the Borough of Gibbsboro; and

WHEREAS, the Planning Board of Gibbsboro adopted a Housing Element and Fair Share Plan, Element of the Master Plan on June 26, 2024, that addresses the municipality's affordable housing obligations in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-62a requires substantial consistency of the provisions regulating zoning and land use with the adopted Land Use Plan Element; and

WHEREAS, the Planning Board of Gibbsboro adopted an amendment to the Land Use Plan Element of the Master Plan on June 26, 2024 identifying the subject zone as an area for multi-family affordable housing development; and

WHEREAS, the Gibbsboro Borough Council formally refers this Ordinance to the Planning Board for examination, discussion, and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-15 and in accordance with N.J.S.A.40:55D-62.1.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Gibbsboro that the Zoning Ordinance is hereby amended as follows:

Section 1. §400-3.B, Definitions, shall be amended to add or revise the following definitions:

Affordable – A sales price or rent level that is within the means of a low- or moderate-income household as defined in *N.J.A.C. 5:93-7.4*; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in *N.J.A.C. 5:80-26.6*, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in *N.J.A.C. 5:80-26.12*, as may be amended and supplemented.

Affordable Housing Development- A development included in the housing element and fair share plan, or proposed as an amendment to same, that may include, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

Affordable Rental Charges – A monthly rent including utilities charged to an eligible very low, low- or moderate-income family which shall not exceed 30% of their monthly gross income as calculated by *N.J.A.C. 5:93-7.4(f)*.

Affordable Unit – A housing unit proposed or created to be affordable in accordance with the NJ Fair Housing Act, approved for crediting by the Court or other legally mandated means, and/or funded through an affordable housing trust fund.

Low-Income Household – A household with a total gross annual household income equal to 50% or less of the regional median household income by household size.

Low-Income Unit – A restricted unit that is affordable to a low-income household.

Moderate-Income Household – A household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size.

Moderate-Income Unit – A restricted unit that is affordable to a moderate-income household.

Personal Sales and Services - Establishments primarily engaged in providing services involving the care of a person or his or her goods or apparel, including but not limited to laundering, shoe repair, hair and body care, tailoring, and domestic services; and incidental sales related to such services.

Section 2. §14, RLM, Residential Low and Moderate Zone, shall be modified in its entirety as follows:

§14. RLM, Residential Low and Moderate Zone.

- A. Purpose and Intent. The purpose and intent of the RLM, Residential Low and Moderate Zone, is to provide for age-restricted inclusionary affordable housing in the Borough of Gibbsboro to aid in meeting its constitutional obligation to provide for very low, low and moderate income housing in accordance with the Fair Housing Act

(N.J.S.A. 52:27D-301 et seq.). The RLM Zone is being implemented in accordance with the objectives of the Housing Plan Element of the Master Plan and its implementing resolutions, ordinances, and agreements constituting the Fair Share Plan. The RLM district provides a compensatory benefit over the preceding zoning district's use and/or intensity standards sufficient to address the affordable housing components of inclusionary development. A secondary purpose is to provide additional opportunities for small scale retail sales and service, and medical office use on a ground floor in a mixed used building of buildings in conjunction with the development of housing.

B. Permitted Uses. In the RLM Residential Low and Moderate Zone, the following uses, and no others, shall be permitted:

(1) Principal Uses:

- (a) Age-restricted townhouse dwellings.
- (b) Age-restricted multifamily dwellings.
- (c) Municipal purpose.

(2) Accessory Uses:

- (a) Community building for the use of residents.
- (b) Parks and conservation areas; open space.
- (c) Indoor and outdoor recreational facilities for the use of residents.
- (d) Community swimming pool for the use of residents with ancillary services.
- (e) Off-street parking, including automobile sheds and garages.
- (f) Fences and walls., gazebos, mail kiosks, ornamental gatehouses and other street furniture.
- (g) Maintenance and storage building.
- (h) Management office.
- (i) Signs as permitted in Chapter 318.
- (j) Home occupation.
- (k) Accessory uses customarily incidental to a principal use, but not to include an operational gatehouse or other means of controlling access to and from streets.

(3) Conditional Uses. The following conditional uses shall be permitted with a gross leasable floor area of 1,000 sf. but not greater than 4,000 sf. per tenant, for a total of not more than 16,000 sf. gross leasable area in the development. Such use shall be located on the ground floor of a mixed use building where any upper floors consist of age-restricted multi-family dwellings.

- (a) Personal sales and services.
- (b) Medical offices.
- (c) Finance, insurance and real estate offices, but not to include a retail banking use.

C. Inclusionary development required. At least 15% of the total number of units in the RLM District shall be affordable to households of low and moderate income as defined in the Fair Housing Act of 1985 (N.J.S.A. 52:27D-301 et seq.) and the substantive rules of the Council on Affordable Housing (N.J.A.C. 5:93-1 et seq.), as they may be amended or superseded for rental tenure and 20% for for-sale

developments. All portions of the development that include affordable housing units shall comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.

- D. Bulk standards. The following area, yard, and coverage standards shall apply to uses within the RLM Zone:
- (1) Maximum gross density shall not exceed twelve (12) dwelling units per acre.
 - (2) Minimum tract area shall be thirty-two thousand five hundred (32,500) square feet.)
 - (3) Minimum tract frontage shall be seventy-five (75) feet.
 - (4) Maximum building coverage for the tract shall not exceed thirty percent (30%).
 - (5) Maximum impervious surface coverage – sixty-five percent (65%) of the tract area.
 - (6) Minimum tract perimeter setback shall be forty (40) feet except in the event where adequate agreement exists for the continuation of a building or buildings across the tract perimeter as determined by the Planning Board, in which case side yard of the tract may be zero (0) feet.
 - (7) Maximum building height.
 - (a) Townhouse – Two and a half stories and thirty-five (35) feet.
 - (b) Multifamily and mixed-use buildings – Four stories and fifty-five (55) feet.
 - (c) Community building – Twenty-eight (28) feet.
 - (d) Maintenance building and other accessory structures – Eighteen (18) feet.
 - (e) Building limitations and separation requirements for townhouses and multi-family uses shall be as indicated in the following table:

Requirement	Standard
Maximum Dwellings per Building (Townhouses)	8 dwellings
Maximum Dwellings per Building (Multifamily)	No Limit
Minimum Distance from Building front to Building front	50 feet
Minimum Distance from Building front to Building side	35 feet
Minimum Distance from Building front to Building rear	50 feet
Minimum Distance from Building side to Building rear	35 feet
Minimum Distance from Building rear to Building rear	40 feet
Minimum Distance from Building side to Building side	20 feet

- (8) Fee simple townhouse and community building requirements when placed on a fee simple lot shall be as indicated in the following table:

Use	Townhouse	Community Building
Minimum lot size	1,800 sf.	4,000 sf.

Use	Townhouse	Community Building
Minimum lot frontage	18 feet; 22 feet if internal garage	40 ft.
Minimum lot depth	100 ft.	100 ft.
Maximum building coverage	70%	60%
Maximum lot coverage	80%	75%
Principal Building Minimum Yard Depths and Height Limitations		
Front yard	20 ft.	20 ft.
Side yard	0 ft. common wall; 8 ft. end unit	20 ft.
Rear yard	20 ft.	30 ft.
Accessory Building Minimum Yard Depths and Height Limitations		
Front Yard	N.P.	N.P.
Side yard	N.P.	10 ft.
Rear yard	5 ft.	10 ft.
Tool shed side and rear yard	5 ft.	5 ft.

N.P. = Not a permitted location

- (9) Building setbacks from streets and driveways. Minimum building setbacks shall be as in the following table:

Requirement	Standard
From major collector drive or street (public r.o.w. or private r.o.w. easement)	40 feet ⁽¹⁾
Front façade from a residential access drive or street (public r.o.w. or private r.o.w. easement)	22 feet ⁽²⁾
Rear façade from a residential access drive or street (public r.o.w. or private r.o.w. easement)	20 feet
Side facades from a residential access drive or street (public r.o.w. or private r.o.w. easement)	12 feet ⁽³⁾

(1), or 50 feet from the edge of cartway, whichever is greater.

(2), or 25 feet from the edge of cartway, whichever is greater.

(3), or 20 feet from the edge of cartway, whichever is greater.

- (10) Parking requirements. Residential uses shall comply with the parking requirements of the Residential site Improvement Standards at N.J.A.C. 5:21-4.14. Non-residential uses shall comply with §400-7.E.

- (11) Parking lot setbacks. Where parking lots for residential uses are proposed, no parking space shall be closer than ten (10) feet to a building. This requirement shall not apply to driveways leading to individual garages. Parking lots shall be set back a minimum of twenty (20) feet from a right-of-way or private right-of-way or easement, forty (40) feet from the edge of cartway of a County road, and twenty (20) feet from the edge of a residential access cartway.
- (12) The Borough of Gibbsboro streetscape standards of Chapter 358-18 shall apply to the frontage of any County road.

E. Design Standards.

- (1) Multi-family buildings. The following standards shall be used in the design of multi-family buildings:
 - (a) A minimum of one hundred (100) cubic feet of storage shall be provided for each dwelling, exclusive of kitchen cabinetry.
 - (b) Access to dwellings shall be designed as to provide a sense of safety and security for the residents, particularly in internal stairwells.
 - (c) All stairs shall be enclosed in the building.
 - (d) The exterior of the building shall be designed to visually break up any facade in excess of one hundred (100) lineal feet through the use of, but not limited to, offsets, bump-outs and building entrances.
 - (e) The design should distinguish between the base, middle, and top of the building.
 - (f) Where an outdoor living space is proposed, adequate visual screening from all other neighboring dwellings, outdoor living spaces, parking areas and roadways shall be provided. Screening may be accomplished with plant materials, masonry structures or wood fencing a minimum of four (4) feet in height. Architectural elements, such as masonry walls and fences, shall be compatible in both style and materials with the dwelling.
 - (g) All utility meters or boxes, air compressors, heat pumps, or other exterior equipment shall be located at the side or rear of buildings and shall be screened by architectural elements or landscape plantings; or may be placed on the roof of a multifamily or mixed use building, provided the equipment is adequately screened from ground level view.
- (2) Townhouses. The following standards shall be used in the design of townhouse and stacked townhouse buildings:
 - (a) A minimum of one hundred fifty (150) cubic feet of storage shall be provided for each dwelling, exclusive of kitchen cabinetry.
 - (b) The front facades of at least forty percent (40%) of the number of dwellings in a structure shall be set back not less than two (2) feet behind the facades of the remaining dwellings in such structure.
 - (c) The roof lines of at least thirty percent (30%) of the number of dwellings which are attached in a structure, shall be staggered in line with the offsets required in -2.b, hereinabove. Chimneys, skylights, dormers, and other roof structures are encouraged, but not required, to vary the elevation and provide additional light into upper story dwellings.
 - (d) Where an outdoor living space is included for a unit, it shall be provided with

adequate visual screening from all other neighboring dwellings, outdoor living spaces, parking areas and roadways. Screening may be accomplished with plant materials, masonry structures or wood fencing a minimum of four (4) feet in height. Architectural elements, such as masonry walls and fences, shall be compatible in both style and materials with the dwelling unit.\

- F. Refuse and recyclables. Refuse collection stations, including provisions for the collection of recyclable materials, shall be provided. Such stations shall be located for the residents' convenience. All such structures shall be compatibly designed with the architecture of the adjacent buildings. A landscaping bed at least four (4) feet wide shall surround three sides of this structure planted at a height of at least six (6) feet, with a mature growth of at least eight (8) feet in height.
- G. Community rooms and building. Where community rooms are not provided within a principal multifamily building(s), the development shall include a separate community building that may include, but not be limited to, cooking and eating facilities, social activity room, management offices, indoor recreation, locker rooms, mail room, and snack bar. Where community buildings are required, the following requirements shall be met:
 - (1) A community room shall contain a minimum net floor area equal to or greater than twelve (12) square feet per dwelling within the development. A community building shall contain a minimum floor area equal to or greater than fifteen (15) square feet per dwelling within the development.
 - (2) Parking for a community building shall equal one space for each five hundred (500) square feet of floor area.
 - (3) The community building shall be open for occupancy and use prior to the issuance of more than half of the total certificates of occupancy for dwelling units within the development.
 - (4) The community building may be used as a sales office until ninety percent (90%) of the total certificates of occupancy to be issued have been issued.
- H. Facilities for pedestrians and bicyclists.
 - (1) Pedestrian sidewalks shall be provided throughout the development, interconnecting all units with community facilities and active open space and in such locations, including entrances and exits, where normal pedestrian traffic will occur.
 - (2) Where appropriate, bikeways may be provided instead of sidewalks. Provision of bikeways along streets shall be made upon determination and requirement by the board of jurisdiction and the Master Plan. The development shall be designed to connect to any existing bikeway within four hundred (400) feet of the proposed development, provided that access can be obtained via an existing right-of-way or easement.
 - (3) Bike racks shall be provided in one or more central locations for the use of residents and customers, connected to the shared pedestrian/bikeway required by

the streetscape standards, and in reasonable proximity to any non-residential uses and community room or building.

- (4) A minimum of 15 bicycle parking spaces shall be required.
- I. Open space requirements. Open space within an RLM development shall be designed and located according to the following standards:
- (1) Open space should be contiguous wherever possible.
 - (2) Open space should preserve the natural features of the site.
 - (3) Open space should be designed for both active and passive recreational facilities within easy access and walking distance of all residents and users of the development. The applicant shall designate on the submitted plans area(s) for active and passive recreation and conservation areas.
 - (4) The applicant shall propose recreational facilities for the RLM development based on its projected population and that are suitable for a senior population. Population projections shall be based on accepted planning standards.
- J. Additional site and building requirements.
- (1) The proposed development shall be designed as, or as a part of, a unified single architectural scheme and shall minimize any exterior differences between affordable housing dwellings and market rate dwellings.
 - (2) No more than fifty percent (50%) of the dwellings in any one structure may be designated for low- and moderate-income households, unless all residential development is in one building. It is the intent of this section that low- and moderate-income units shall be evenly dispersed throughout the entire development.
 - (3) In order to encourage an attractive building arrangement, variations in the setback or alignment of buildings erected on the same general plane or attached to one another shall be deemed desirable; parallel arrangements of buildings shall be avoided, and variation in design elements as the facade, width, color, exterior materials and rooflines shall be encouraged.
 - (4) All parking areas and walkways shall be illuminated at night in accordance with the Borough's promulgated design standards.
- K. Phasing. Any phasing schedule shall be approved by the board of jurisdiction to ensure that the timing of development shall be consistent with the requirements for the concurrent development of affordable housing units, development of infrastructure and supporting services. If a staging or phasing plan is proposed for the development, the recreation plan shall also be staged to provide adequate active recreation facilities appropriate for the population or use of each phase.
- L. Development agreement. The implementation of an approved development plan shall be guaranteed by a municipal development agreement between the Borough, and the applicant which shall set forth all the conditions of approval and the rights and obligations of both parties with respect to the timing, cost, guaranty and responsibility of providing the required affordable housing, on-tract and off-tract improvements necessary for the development and the provision of open space.

Section 3. The Zoning Map, last revised November 19, 2019, shall be revised to apply the R-40 Residential Zone to the existing Residential Low and Moderate Zone.

Section 4. The Zoning Map shall be further amended to apply the RLM Residential Low and Moderate Zone to Block 18.07, Lots pt. 2.01 and 12; and Block 18.05, Lots, 26, 26.01, 27, 29, 30 and 31 (encompassing 12.63 acres, more or less), plus the half-width of County Route 561 that adjoins such block and lots and as illustrated in the attachment, Proposed Zoning Change, dated June 2024.

Section 5. Continuation. In all other respects, the Zoning Ordinance of the Borough of Gibbsboro shall remain unchanged.

Section 6. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part there of directly involved in the controversy in which such judgment shall have been rendered.

Section 7. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Borough of Gibbsboro, then the restriction which imposes the greater limitation shall be enforced.

Section 8. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 9. Enactment. This Ordinance shall take effect upon the filing thereof with the Camden County Planning Board after final passage, adoption, and publication by the Borough Clerk of the Borough of Gibbsboro in the manner prescribed by law.

Edward G. Campbell, III
Mayor

Amy C. Troxel, RMC
Borough Clerk

Introduced: July 9, 2024
Public Hearing: September 10, 2024
Adoption Date:

Roll Call Vote: Councilman Brown
Councilman Deterding
Councilwoman Karsh
Councilman MacFerren

Councilman Rickert
Councilman Werner

CERTIFICATION

I, Amy C. Troxel, Borough Clerk of the Borough of Gibbsboro, County of Camden, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance introduced by the Mayor and Council of the Borough of Gibbsboro at a meeting held on the 9th Day of July, 2024.

Amy C. Troxel, RMC
Borough Clerk