

**BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY, NEW JERSEY**

ORDINANCE 588(2021)

TC-AHO Town Commercial-Affordable Housing Overlay Zoning

**AN ORDINANCE OF THE BOROUGH OF WEST WILDWOOD TO SECTION III
“ZONING”, TO ESTABLISH THE TOWN COMMERCIAL AFFORDABLE HOUSING
OVERLAY INCLUSIONARY DISTRICT (TC-AHO).**

BE IT ORDAINED by the Mayor and Commissioners of West Wildwood Borough as follows:

Section III (Establishment of Zones) is hereby amended to establish the Town Commercial Affordable Housing Overlay Inclusionary District (TC-AHO) with the following standards.

In any instance in which these regulations and standards do not address a particular land development control, or when specific reference to the LDO is made, the standards of the Development Regulations shall apply:

Town Commercial Affordable Housing Overlay Zone

- a. Purpose: The Borough adopts this ordinance to advance the following objectives: To address its affordable housing unmet need obligation, the Borough shall implement a Town Commercial Affordable Housing Overlay Zone Ordinance that creates a realistic opportunity for housing in the Borough that is affordable to low- and moderate-income households. This Ordinance establishes the Town Commercial Affordable Housing Overlay Zone and permits the creation of multi-family housing within certain portions of the Town Commercial Zone provided that such housing complies with a required inclusionary set-aside requirement and with the requirements of this ordinance.
- b. Location. The Town Commercial Affordable Housing Overlay District is applicable to the following parcels:

Block 111, Lot 7.01
Block 111, Lot 8
Block 111, Lot 9
Block 112, Lot 9
Block 112, Lot 10
Block 112, Lot 11
Block 112, Lot 12
Block 113, Lot 6

Block 113, Lot 7
Block 113, Lot 8
Block 114, Lot 7
Block 114, Lot 8
Block 115, Lot 7
Block 115, Lot 8
Block 115, Lot 9
Block 116, Lot 8
Block 116, Lot 9
Block 116, Lot 10
Block 116, Lot 11
Block 118, Lots 1-14
Block 119, Lots 1-12
Block 119.01

c. Permitted uses. The following uses shall be permitted in the Town Commercial Affordable Housing Overlay District:

1. Inclusionary residential development which may include single-family, attached single-family, townhouses and/or apartment flat style units provided:
 - a) The minimum percentage of very low, low- and moderate-income housing shall be fifteen percent (15%) of the total number of dwelling units for rental affordable units and twenty percent (20%) of the total number of dwelling units for for-sale affordable units.
 - b) All affordable units produced must comply with the Borough's Affordable Housing Ordinance
2. Mixed-use development provided inclusionary residential dwellings are provided. The non-residential uses are permitted in the mixed-use development on the first floor and shall be the same non-residential uses permitted in the Town Commercial Zoning District.

d. Accessory Uses Permitted. The following accessory uses and structures shall be permitted in the TC-AHO District provided they are located on the same premises as the principal use or structure to which they are accessory and are located in the rear yard:

1. Accessory uses on the same lot with and customarily incidental to, any of the above permitted uses.
2. Surface parking area and garages.

e. Development Standards

- | | |
|--------------------------------|----------------------------|
| 1. Maximum density: | 12 dwelling units per acre |
| 2. Minimum lot size: | 21,780 square feet |
| 3. Principal Building Setbacks | |
| a) Front Yard | 10 feet minimum |

	15 feet maximum from front lot line
b) Side Yard	4 Feet
c) Rear Yard	10 Feet
4. Accessory Building Setbacks	
a) Side Yard	4 Feet
b) Rear Yard	4 Feet
5. Maximum Principal Building Height	3 Stories / 40 Feet
6. Maximum Accessory Building Height	20 feet
7. Maximum Building Coverage:	65%
8. Maximum Impervious Surfaces:	80%

9. Design Standards

a) Building Design.

- 1) Buildings shall be required to incorporate high-quality architectural features that are characteristic of and complimentary to significant buildings reflecting the traditional architecture within downtown centers in the region. The applicant for any development shall demonstrate such design by providing examples of and comparisons with existing high-quality architecturally significant buildings.
- 2) If more than one primary structure is proposed, the architecture of each primary structure shall be compatible but different from one another in terms of style, materials and layout.
- 3) All HVAC and mechanical equipment shall be adequately screened from view.
- 4) Front-loaded townhouses are prohibited.

b) Recreational/Social Amenities. Developments shall be required to include both interior and exterior common areas devoted to recreational, social and similar functions for residents and their guests, as set forth below:

- 1) At least 40 square feet per dwelling unit shall be devoted to interior common areas, such as but not limited to meeting rooms, community centers, fitness centers, indoor recreational areas, lounges, libraries, etc. Areas such as hallways, stairs, elevators, entrance lobbies, storage, mail areas, mechanical space or office space and similar areas shall not count towards meeting this requirement.
- 2) At least 40 square feet per dwelling unit shall be devoted to exterior common areas, such as but not limited to recreational areas, gardens, courtyards, plazas, decks, patios, etc. Such areas may be located at grade level, on building terraces or on the roof of the building. Lawn and landscaped areas shall not count towards meeting this requirement unless such areas are specifically designed to be part of the aforementioned features.

c) Parking shall be located in the side or rear yards only.

13. Affordable Housing. All residential development shall be required to include affordable housing as a component. The following requirements shall apply:

- a) The minimum percentage of very low, low- and moderate-income housing shall be fifteen percent (15%) of the total number of dwelling units for rental affordable units and twenty percent (20%) of the total number of dwelling units for for-sale affordable units.
- b) Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing, provided a minimum of 13% of the affordable units are very low income units at 30% of the median income and 37% of the affordable units are low income units with the 50% balance of units allowed at moderate income; bedroom distribution; range of affordability; pricing and rent of units; affirmative marketing; 30-year minimum affordability controls and construction phasing with the market rate units developed on the tract.
- c) The Borough designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

COMMISSIONERS:



MAYOR MATTHEW J. KSIAZEK



COMMISSIONER JOHN J. BANNING



COMMISSIONER JOSEPH D. SEGREST

First Reading/Introduction: 2021 04-01
 Publication: 2021 04-08

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		X	X			

I, **Donna L. Frederick, RMC, Municipal Clerk** of the Borough of West Wildwood, Cape May County, do hereby certify the forgoing to be a true and correct copy of an ordinance introduced and passed on the first reading at the April 1, 2021 Regular Meeting held via online access through Zoom.us, and will be considered for final passage after a public hearing to be held on May 7, 2021 at 7:00pm prevailing time, via online access through Zoom.us



Donna L. Frederick, RMC
Municipal Clerk

COMMISSIONERS:



MAYOR MATTHEW J. KSIAZEK



COMMISSIONER JOHN J. BANNING



COMMISSIONER JOSEPH D. SEGREST

Second Reading/Public Hearing: 2021 05-07
Publication: 2021 05-13

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		X	X			

I, **Donna L. Frederick, RMC, Municipal Clerk** for the Borough of West Wildwood in the County of Cape May and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance finally adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey after a public hearing held via online access through Zoom.us at a Regular Meeting held via online access through Zoom.us on May 7, 2021.



Donna L. Frederick, RMC
Municipal Clerk