

ORDINANCE NO 7, 2019

AN ORDINANCE AMENDING ORDINANCE 20, 2004 AN ORDINANCE DECLARING THE PRUDENTIAL AND BLOOM SITES IN NEED OF REDEVELOPMENT AND APPROVING A REDEVELOPMENT PLAN FOR THOSE AREAS, AS AMENDED BY ORDINANCES 2 AND 3, 2015 AND ORDINANCE 2, 2016, AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HERewith.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: A Redevelopment Plan entitled "Redevelopment Area Plan Prudential and Bloom Sites, City of Linwood", dated April, 2003, and revised July 8, 2003, November 18, 2003, November 24, 2003 and October 12, 2004 prepared by Peter P. Karabashian Associates, Inc. was adopted pursuant to Ordinance 20, 2004 on October 27, 2004. The specific property deemed to be in the redevelopment zone is as follows: Block 1, Lot 49 and Block 1, Lots 26.01 and 26.02, as designated on the Tax Map of the City of Linwood and hereinafter referred to as the "Prudential and Bloom Sites Redevelopment Project" or the "Redevelopment Area". Ordinance No. 20 2004 was previously amended by Ordinance No. 13 2011, adopted on September 14, 2011 and was further amended by Ordinances No. 2 and 3 of 2015 and Ordinance 2, 2016 .

SECTION 2: A copy of the Plan is on file in the office of the City Clerk and available to persons desiring to examine the document.

SECTION 3: Whereas, the Common Council of the City of Linwood is desirous of further amending the Redevelopment Plan in accordance with all applicable laws and statutes and whereas Exhibit "A", the Amendment to the Redevelopment Area Plan Prudential and

Bloom Sites City of Linwood (“Amendment to Redevelopment Plan”), attached hereto and incorporated herein, has been prepared, the Redevelopment Plan be and is hereby amended to include the following: Exhibit “A”, the Amendment to the Redevelopment Plan; Exhibit “1”, attached to the Amendment to Redevelopment Plan, the Zoning Requirements, Regulations and Standards Applicable to the Bloom Site Redevelopment Area, inclusive of all Exhibits thereto, more specifically, Exhibit “A”, Conceptual Site Plan.

SECTION 4: Copy of Amended Redevelopment Plan. A copy of the Amended Redevelopment Plan and all Exhibits thereto have been filed in the office of the City Clerk and shall remain there to be made available to persons desiring to examine the documents.

SECTION 5: The Redevelopment Plan as amended by this Amendment is an explicit amendment to the Zoning District Map and Zoning and Land Use Code of the City of Linwood as applicable to the Bloom Site only.

SECTION 6: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies and should any section, clause, sentence, phrase or provision of any item in this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 7: This Ordinance shall take effect upon final passage and publication as provided by law and the filing of same with the Atlantic County Planning Board as required by N.J.S.A. 40:55D-60 of the revised Statues of the State of New Jersey.

FIRST READING: March 13, 2019  
PUBLICATION: March 18, 2019  
PASSAGE: March 27, 2019

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on March 13, 2019 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on March 27, 2019.

---

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

---

RICHARD L. DEPAMPHILIS, III, MAYOR

**EXHIBIT "A"**  
**AMENDMENT TO**  
**REDEVELOPMENT AREA PLAN**  
**PRUDENTIAL AND BLOOM SITES**  
**CITY OF LINWOOD**

**EFFECTIVE \_\_\_\_\_, 2019**

**BACKGROUND**

The Redevelopment Area Plan Prudential and Bloom Sites, dated April, 2003 and last revised October 12, 2004 (the "Redevelopment Plan") affects two (2) distinct parcels of property each designated an area in need of redevelopment under the Local Housing and Redevelopment Law (N.J.S.A. 40A:12A-1 et m.) (each a "Redevelopment Area").

Redevelopment of one of the Redevelopment Areas as identified in the Redevelopment Plan as the Bloom Site, Block 1, Lot 26.01 and 26.02 on the Official Tax Map of the City of Linwood, Atlantic County (the "Bloom Site"), is being undertaken by the property owner, Charter Tech Annex LLC, a New Jersey limited liability company, as the designated Redeveloper pursuant to Resolution 66 of 2019 adopted February 27, 2019.

Charter Tech Annex, LLC has proposed to the City of Linwood development within the Bloom Site that would provide additional commercial ratables to the City and further the completion of certain public improvements, as more specifically set forth herein and in all Exhibits hereto, contemplated in the Redevelopment Plan.

The City desires to amend the Redevelopment Plan to provide for the commercial development within the Bloom Site proposed by Charter Tech Annex, LLC, such development being in the best interest of the public health, safety and welfare of the residents of the City of Linwood.

Now, therefore, this Amendment to Redevelopment Area Plan Prudential and Bloom Sites (the "Amendment"), having been adopted by the City Council of the City of Linwood through Ordinance No. 7 on second reading held on march 27, 2019, hereby amends the Redevelopment Plan as follows:

1. This Amendment affects only the Bloom Site. All provisions of the Redevelopment Plan, as previously amended by Ordinance No. 13, 2011, Ordinance No. 2, 2015 and Ordinance No. 2, 2016, remain in full force and effect as to the Redevelopment Area designated therein and referred to as the Prudential Site.

2. Article VI, Section C.2.b(1) is deleted in its entirety and the following Section C.2.b(1) is inserted in its place:

b. Permitted Uses and Related Zoning Standards

- (1) The standards set forth in Exhibit 1 attached to this Amendment, including the full size copy of the conceptual site plan attached there to and incorporated therein will govern the use and zoning standards applicable to those areas to be developed in accordance with the Redevelopment Plan as amended by this Amendment on the Bloom Site. The conceptual site plan was prepared by Sciallo Engineering Services, LLC and is stamped as a draft dated March 13, 2019.
3. Article VI, Section 7.a is deleted in its entirety and the buffer standards set forth in Exhibit 1 attached to this Amendment will be the buffer requirements for development of the Bloom Site.
4. Article VI, Sections 8(a) through (i) are deleted in their entirety and the following are inserted into Article VI, Section 8:
  - (a) The ingress, egress and circulation into, out of and through the Bloom Site shall be as previously approved by NJDOT.
5. The conceptual site plan by Sciallo Engineering Services, LLC proposes the resubdivision of the lots with a new interior lot line (the “interior lot line”) which separates the buildings shown on the plan. The following specify bulk requirements from the interior lot line:
  - (1) The building setback shall be ten (10) feet.
  - (2) Concrete sidewalk which provides access to the buildings may be installed with a zero (0) foot setback.
6. Phasing of the project may be undertaken in order to enhance the economic feasibility of the project. The general outline for phasing of the project is shown on the conceptual plan provided by Sciallo Engineering Services, LLC and allows for phasing of the building construction and site improvements. Phase “A” of the project will involve construction of a minimum 8,000 square feet of the building to the northerly side of the site on a single floor.
7. Any restrictions on the maximum building area for a single tenant contained within the original redevelopment plan or any amendments referenced herein are repealed in their entirety.
8. Any Ordinance adopting this Amendment shall contain language indicating that the Redevelopment Plan as amended by this Amendment is an explicit amendment to the Zoning District Map and Zoning and Land Use Code of City of Linwood as applicable to the Bloom Site only.
9. Article XII, Section B and Section D are deleted in their entirety.

10. In addition to all other terms of the Redevelopment Plan as specifically amended by this Amendment, the Redevelopment Plan is amended to incorporate the following:

ARTICLE XIII ABATEMENT OF TAXES

The Governing Body of the City of Linwood finds that only commercial development of the Bloom Site is in the best interest of the City of Linwood and will encourage and promote tax ratables, job opportunities and support for existing businesses as well as public safety. Given the uncertainty of the commercial lending and financial markets, and the market forces negatively impacting development of real property in New Jersey, utilizing the real property tax abatement tools available under the Local Housing and Redevelopment Law would further the purposes of this Amendment and the Redevelopment Plan. Accordingly, in furtherance of the City's goals of the redevelopment of the Bloom Site, the City has entered into a Redevelopment Agreement.

11. Any additional design or related zoning standards may be incorporated herein or as part of the amendment to the Redevelopment Agreement as deemed appropriate by the Governing Body of the City of Linwood.

12. The Redevelopment Plan as amended by this Amendment is consistent with and is designed to effectuate the duly adopted Master Plan of the City of Linwood.

13. All references in the Redevelopment Plan to "Redevelopment Plan," as applied to the Bloom Site only, shall mean and refer to the Redevelopment Plan as amended by this Amendment.

14. All terms, statements and conditions of the Redevelopment Plan applicable to the Bloom Site and not specifically modified in this Amendment shall remain in full force and effect as if fully set forth herein. In the event of conflict between the terms of the Redevelopment Plan and this Amendment, the terms of this Amendment shall control.

15. ARTICLE XIV, Section A is deleted in its entirety and the following is inserted into Article XIV, Section A in its place:

PROCEDURES FOR AMENDING THE APPROVED REDEVELOPMENT PLAN

A. This Redevelopment Plan, as amended, may be further amended from time to time upon compliance with all applicable laws and statutes and upon approval of the Governing Body. In addition to any other requirements, including but not limited to those imposed by N.J.S.A. 40A:12A-7 et seq., mutual agreement between the City and the Redeveloper is required only where a new or Amended Redeveloper's Agreement is in place and where an amendment would change the controls governing the use of land under said Agreement.

## EXHIBIT "1"

### ZONING REQUIREMENTS, REGULATIONS AND STANDARDS APPLICABLE TO THE BLOOM SITE REDEVELOPMENT AREA

#### I. Use regulations.

A. Within the Redevelopment Area, no building structure or land shall be used, and no building or structure shall be erected which is arranged, intended or designed for any use other than the following:

(1) Retail sales of goods, including, but not limited to, the following:

- (i) camera, video, computer, and electronic goods; ;
- (ii) books, records, CDs and DVDs stores;
- (iii) clothing, shoes and accessories;
- (iv) baked good, pastries, bagels, cookies, candy and confections prepared on site for sale at retail;
- (v) frozen and other dessert products;
- (vi) office supplies;
- (vii) floor covering, upholstery, paint, hardware and home decorating stores;
- (viii) furniture;
- (ix) jewelry sales and service;
- (x) art, including galleries;
- (xi) luggage;
- (xii) musical instruments and sheet music;
- (xiii) sporting goods, equipment and awards, excluding all types of firearms;
- (xiv) toys, art and craft supplies and hobby crafts;
- (xv) small mechanical equipment/parts sales and repair, but excluding, lawnmowers and other gas-powered household and small business machinery, motorcycles and all heavy equipment and machinery;

on site;

- (xvi) garden supplies;
- (xvii) candy, confections and other packaged food not prepared
- (xviii) coffee and non-alcoholic beverages; and
- (xix) prescription and non-prescription eyeglass stores.

(2) Professional offices.

(3) Solar energy equipment as an accessory use, which may be mounted on light poles and pylon signs within the property, or may be mounted on top of any building and structure so long as such equipment is not visible from Route 9.

(4) Restaurants.

(5) Retail sales or provision of services, including, but not limited to, the following:

- (i) medical or dental clinic;
- (ii) out-patient medical services such as radiology, chemotherapy, dialysis and same-day surgery;
- (iii) education or training facilities such as art, music, dance, sports training and similar instructional schools;
- (iv) hair, nail and cosmetic services and applications including permanent make-up application, excluding all other tatoos;
- (v) massage, facial and tanning services;
- (vi) physical fitness center, training, gym or fitness club;
- (vii) photographic studios;
- (viii) catering;
- (ix) photocopying/blue printing;
- (x) data processing and data equipment servicing;
- (xi) protective services;



(xii) stenographic;

(xiii) radio and television stations, but no ground mounted antennas shall be permitted. Satellite dish antennas associated with such use shall only be permitted on the roof of buildings so long as such equipment is not visible from Route 9;

(xiv) recording studios and other communication centers;

(xv) telephone business centers;

(xvi) government contractor offices and testing facilities, including, but not limited to, contractors who provide testing and training for TSA and FAA employees, systems and services; provided, however, that no chemical, biological, munitions or live weapons testing occurs on the property; and

(xvii) postal and other mail or delivery services (retail only--not processing or distribution), including United States Postal Service facilities and private mail or UPS-type facilities.

(6) Governmental services such as Federal, State, municipal or county service offices (i.e. FAA, U.S. Census offices, City offices and branch offices of NJDOT and NJDEP) including law enforcement offices except parole offices, which are specifically a prohibited use as provided herein.

(7) Banks and financial institutions and service offices, including, but not limited to, financial advisors, accountants, tax preparers.

(8) Data Centers and data equipment facilities and data disaster relief facilities.

(9) Conference or meeting facility, or catering hall.

(10) Accessory uses incidental to any permitted use, including, but not limited to, storage areas and rooms and employee break, lunch and rest/lounge areas.

B. Prohibited Uses: Permitted uses shall specifically not include the following prohibited uses:

(1) Any and all residential uses.

(2) Tattoo sales and services.

(3) Adult entertainment facilities where nudity or partial nudity occurs.

- (4) Kennels, retail aquariums, zoos or any other establishments engaged, in any manner, in the breeding, boarding, maintenance or display of animals, other than pet shops and veterinary hospitals.
  - (5) Warehouse or commercial storage rental units.
  - (6) Fast food restaurants.
  - (7) Gasoline filling stations.
  - (8) Garages.
  - (9) Automotive or garage repair shops.
  - (10) Space leased for the storage of construction, industrial or manufacturing materials and equipment, inclusive of vehicular parking associated therewith.
  - (11) Laundromat.
  - (12) General retail grocery stores; provided, however, that specialty stores such as Trader Joes, Fresh Fields or Whole Foods stores shall be permitted.
  - (13) Parole offices.
- C. Special Use provisions.

- (1) Tables, chairs, benches, plant boxes and plantings and other amenities for tenants, occupants and users of the Project shall be permitted within the sidewalks around and adjacent to the buildings on the Property subject to the procedures set forth in this paragraph. Tenants desiring to utilize outdoor space for independent business activities of the specific tenant shall first secure the written consent for the proposed use from the landlord or property owner, then shall apply to the Redevelopment Committee, by way of notice to the Linwood Municipal Clerk, of the proposed use, including the complete and relevant information, including but not limited to a diagram, necessary for the Redevelopment Committee to fully understand the location, aesthetics and contemplated activity within such outdoor space. The Redevelopment Committee shall make a determination within twenty (20) days after receipt of the notice from the tenant as outlined in the prior sentence and a copy of the written consent from the landlord or property owner whether the proposed use is consistent with the terms of the Redevelopment Plan. For purposes of this provision, either "notice" to the Redevelopment Committee or the "determination" of the Redevelopment Committee can be sent by email, Fax or letter that is mailed or hand delivered. Unless the Redevelopment

Committee notifies the landlord or property owner within the twenty (20) day period that the proposed use is not consistent with the terms of the Redevelopment Plan, the tenant's proposed use is deemed permitted. The tenant's use of all outdoor space shall be in full compliance with all rules and regulations promulgated by the landlord or property owner from time to time and as approved by the Redevelopment Committee.

- (2) Process to determine if Uses are Permitted: If the Zoning Officer cannot determine whether a use proposed at the Property is a permitted use under Section A above, the Zoning Officer or the Property Owner may submit a written request to the Redevelopment Committee of the City for a determination as to whether the use is permitted. Such determination shall be made within twenty (20) days shall not make any determination within the twenty (20) day period, the use proposed shall be deemed permitted. Any party that disputes the determination of the Redevelopment Committee may file an appeal of the Redevelopment Committee's determination with the Governing Body of the City no later than twenty (20) days after the Redevelopment Committee's determination is memorialized in writing, such memorialization to be delivered to the Property Owner via email, FAX, regular mail or hand delivered and filed with the Zoning Officer.

## **II. BULK STANDARDS AND DESIGN CRITERIA.**

A. All buildings and structures within the Redevelopment Area shall conform to the following standards. Except as specifically provided in this Article II, no provision of the City of Linwood Zoning Code or Land Development Ordinances, except for definitions and design standards, unless otherwise provided for herein, shall apply to the development of any building, structure or land improvement within the Redevelopment Area. Attached hereto as the Conceptual Site Plan showing how the following standards shall be implemented in the Redevelopment Area to achieve the goals of the Redevelopment Plan, including the location and design of proposed property signage:

- (1) Impervious coverage shall not exceed the limits allowable in the NJDEP Coastal Zone Management Rules NJAC 7:7E (currently 80% of the net land area).
- (2) Square footage of all buildings on the property shall not exceed 50,000 square feet of building area for all floors of all buildings.
- (3) The maximum height of all buildings will be the lesser of fifty two (52) feet or four stories in height, excluding utilities mounted on the roof, as shown on Exhibit B, incorporated herein. Since the Bloom site is located entirely within a tidal flood hazard area, for the purpose of this ordinance the building height requirement for the Bloom Site shall be measured at a point one foot above the flood hazard elevation as shown on

the best available flood data for the region (currently FEMA preliminary flood maps).

- (4) Setback dimensions are as reflected on the Conceptual Site Plan. The interior lot line between the buildings may have improvements installed at a zero (0) foot setback as shown on the plan.
- (5) Off-street parking and loading requirements shall be permitted under the current parking approval applicable to the property, with off-street parking provided at a rate of 5.0 parking spaces per 1,000 square feet of leaseable building space as determined by the review of floor plans by the City Engineer. The minimum parking space shall be 18' by 9' in size.
- (6) Specific parking spaces may be designated for use by specific tenants/occupants of the property and such spaces identified with either pavement markings or erect signs at the head of the specific spaces.

B. Screening; buffers; signs; access.

- (1) Any trash receptacles, waste facilities or storage areas shall be appropriately screened by solid fencing and plantings of evergreen and/or deciduous trees and shrubs to form a continuous screen from grade elevation to a height of six feet.
- (2) Landscape buffers shall incorporate a combination of spatial separation, existing vegetation, fencing and additional plantings according to the approved Landscape Plan and shall be subject to the following:
  - (i) Width of buffer:
    - (1) Route 9 Frontage 20 feet from the Route 9 Right-of-way. Buffers along the front property boundary adjacent to Route 9 shall be used exclusively for landscaping, utilities, signs, sidewalks, bike paths and access. Existing trees in this specific area of the buffer area that must be removed in order to install utilities, signs, sidewalks, bike paths and access may be removed by the Redeveloper.
    - (2) Southern Property Line - 20 feet from the property boundary.
    - (3) Northern Property Line - 20 feet from the property boundary.
    - (4) Interior Lot Line – 0 feet.

- (ii) All buffers will be subject to the following:
  - (1) Existing plantings shall be maintained in all buffers to the extent possible and supplemented, to the extent necessary, with additional plantings, to provide a visual screen in accordance with the approved Plan. The buffer shall be maintained by the property owner for the life of the project;
  - (2) Existing trees may be removed from the Route 9 frontage buffer area as necessary for installation of Route 9 frontage landscaping, signs, utilities, sidewalks, access and as necessary for visibility of the property signage from Route 9.
- (3) Signs may be internally or externally illuminated and have halo or illuminated characters, but no flashing or scrolling signs are permitted. Any signs different from those included in the Plan, including, but not limited to, temporary and brand specific signage, shall be subject to the review and approval of the Redevelopment Committee. All signage in the Bloom Site shall be subject to the following:
  - (i) Monument Signs:
    - (1) One (1) monument sign identifying the Project and/or one or more tenants may be installed anywhere on the Property, subject to the review and approval of the Redevelopment Committee;
  - (ii) Building Façade Signs:
    - (1) Each building may have one building mounted sign identifying the Project and one building mounted sign for each major tenant occupying such building. Major tenants are defined as any tenant occupying 3,000 square feet of space or more in the specific building;  
  
The size, design (including lighting) and location of all Building facade signs shall be subject to the review and approval of the Redevelopment Committee.
  - (iii) Other Signs:
    - (1) Traffic and parking signage as required under and designed in conformance with applicable New Jersey Statutes Title 39 requirements.

(2) Temporary marketing signage shall be permitted on the property prior to the complete occupancy of the property. Two 4-foot by 8-foot marketing signage shall be permitted which may include a graphic rendering of the project.

(4) No City of Linwood storm water drainage design or layout requirements shall apply to development in the Redevelopment Area. Only storm water drainage requirements under NJDEP regulations and statutes, if applicable, will apply to development in the Redevelopment Area.

(5) Access to any public street, thoroughfare or right-of-way shall be as approved by NJDOT. Any drive aisle permitting two-way traffic shall not exceed 36 feet in width or be less than 24 feet in width; provided, however, that drive aisles that fall within the jurisdiction of NJDOT shall be designed as required by NJDOT. Any drive aisle permitting one-way traffic shall not exceed 22 feet in width or be less than 18 feet in width. Where any drive aisle crosses a landscaped area long any lot line, such drive aisle shall be an angle of 90° to the landscaped area. Where it is impossible to provide the drive aisle in a ninety-degree angle, the angle shall as closely approximate to 90° as is possible.

(6) Wetlands and wetlands buffer areas within the property may be used for purposes of determining compliance of the project with storm water drainage requirements, impervious surface, building and other coverage ratios and other bulk standards. No improvements may be installed in the wetland buffer areas except as specifically permitted by NJDEP.

C. In the event there is a conflict between or uncertainty as to whether the provisions of the standards set forth in this Zoning Requirements, Regulations and Standards Applicable to the Bloom Site Redevelopment Area or any other zoning code, ordinance, regulation or standard in the official Code of the City of Linwood, the standards and requirements set forth in this Zoning Requirements, Regulations and Standards Applicable to the Bloom Site Redevelopment Area shall control.

