

23-005 D

AN ORDINANCE OF THE BOROUGH OF RUMSON TO AMEND CHAPTER XXII “DEVELOPMENT REGULATIONS”, TO CREATE THE AH-2 – WEST RIVER ROAD AFFORDABLE HOUSING 2 ZONE.

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter XXII (Development Regulations) of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend *Chapter XXII* of the *Development Regulations* to add Subsection 22-5.25 West River Road Affordable Housing-2 (AH-2) as an additional zoning district.

Unless otherwise indicated these regulations and standards are the only standards that apply to this zoning district

SECTION 1

That Chapter XXII, Development Regulations, Subsection 22-5.25 West River Road Affordable Housing-2 (AH-2) shall be added as follows:

22-5.25 West River Road Affordable Housing-2 (AH-2)

- a. Purpose: The AH-2 Zone is intended to provide for development of 100% affordable dwelling units. The AH-2 Zone shall provide for 13 family rental apartments.
- b. Location. The AH-2 Zone is applicable to Block 25, Lot 4.
- c. Permitted uses. The following principal uses shall be permitted:
 1. Multi-family rental housing.
- d. Accessory Uses Permitted. The following accessory uses and structures shall be permitted 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 or side 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.
 3. Active and passive recreational amenities.
- e. Development Standards
 1. Minimum lot size is equal to the size of Block 25, Lot 4.
 3. Maximum height: 2 ½ stories or 35 feet
 4. Maximum building coverage: 50%
 5. Maximum Lot Coverage: 95%
 6. Minimum front yard setback: 15 feet
 7. Minimum side yard setback: 10 feet
 8. Minimum rear yard setback: 10 feet
 8. A minimum 10-foot vegetated buffer shall be provided adjacent to the side and rear lot lines in accordance with subsection 22-8.4e.

9. Lighting for parking areas and driveways shall not exceed twelve (12) feet in height.
10. All refuse and recycling storage shall be fully enclosed and screened within a masonry refuse enclosure that is a minimum of 6 feet in height on all sides and shall contain façade materials that are consistent with the materials used for the principal structure.
11. Compliance with Residential Site Improvement Standards (N.J.A.C. 5:21) is not required and if appropriate, the Planning Board may grant a di minimis exception.
12. Building Design.
 - a. Buildings shall be required to incorporate high-quality architectural features that are characteristic of and complimentary to significant buildings reflecting the traditional architecture in the NB, GB and POB zoning districts. The applicant for any development shall demonstrate such design by providing examples of and comparisons with existing high-quality architecturally significant buildings.
 - b. All HVAC and mechanical equipment shall be adequately screened from view.
13. Affordable Housing.
 - a. The AH-2 Zone shall provide thirteen (13) affordable family rental units. Affordable units in said projects must be affordable to very low, low- and moderate-income households in accordance with the Borough's Affordable Housing Ordinance, the Borough's Housing Element and Fair Share Plan, any applicable Order of the Court (including a Judgment of Compliance and Repose Order), the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"), and applicable New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq.
 - b. The family rental affordable housing shall include standards for the split between very low, low and moderate income housing providing a minimum of thirteen percent (13%) of the affordable units within each bedroom distribution as very low-income units at thirty percent (30%) of the median income, thirty-seven percent (37%) of the affordable units within each bedroom distribution as low-income units, with the fifty percent (50%) balance of units within each bedroom distribution allowed to be moderate-income units, unless otherwise agreed to by Fair Share Housing Center and Rumson in a court-approved writing. Said affordable housing will also comply with bedroom distribution requirements (unless otherwise agreed to by Fair Share Housing Center and Rumson in a court-approved writing), pricing and rent of units, affirmative marketing, at least 30-year minimum affordability controls set by deed restriction in accordance with UHAC and the Borough's Affordable Housing Ordinance, and the affordability controls shall remain unless and until the Borough, in its sole discretion, takes action to extend or release the unit from such controls. Construction phasing with any market rate units developed on the tract is required by N.J.A.C. 5:93-5.6(d).
 - c. The Borough designated Affordable Housing Administrative Agent, or a qualified Administrative Agent selected by the Developer, shall be responsible to affirmatively market, administer and certify the occupant of each on-site affordable unit, in accordance with the Borough's affirmative marketing plan and applicable law, including the posting of all affordable units on the online New Jersey Housing Resource Center website, with all administrative costs to be paid by the Developer.

SECTION 2

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 3

The Borough Clerk is hereby directed, upon adopt of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Introduced: September 19, 2023

Passed and Approved: October 10, 2023

I hereby approve of the
passing of this ordinance.

Joseph K. Hemphill
Mayor

Attest:

Thomas S. Rogers
Municipal Clerk/Administrator

CERTIFICATION

I hereby certify that the foregoing is a true copy of an Ordinance adopted by the Borough Council of the Borough of Rumson at a regular meeting held on October 10, 2023.

Thomas S. Rogers
Municipal Clerk/Administrator