ORDINANCE NO. 3741-26

AN ORDINANCE TO AMEND CHAPTER 131 OF THE BOROUGH CODE ENTITLED "ZONING" AND IN PARTICULAR CHAPTER 131 ARTICLE XIII GENERAL REGULATIONS TO INCLUDE PARK AVENUE OVERLAY AND ORIENT WAY OVERLAY

WHEREAS, the Governing Body for the Borough of Rutherford believes it is in the best interest of the Borough to amend Chapter 131 of the Borough to Code create Article XIII Affordable Housing Overlay Districts

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Rutherford, County of Bergen, State of New Jersey, that Chapter 131 Article XIII of the Borough Code is hereby created as follows:

SECTION 1:

Article XIII Affordable Housing Overlay Districts

§ 131-59 – Affordable Housing Overlay Districts

A. Park Avenue Overlay District

1. Purpose. It is the purpose of this overlay zone to provide opportunities for the creation of inclusionary housing developments which will provide a variety of housing types and affordability levels. Located on Block 59, Lot 17.

(a) Permitted Principal Uses.
(1) 100% Affordable Residential Dwellings
(b) Minimum Lot Area: 19,000 square feet.
(c) Maximum density shall be 68 dwelling units an acre.
(d) Parking for the residential units shall be in accordance with residential site improvement standards.
(e) Where the property abuts a single-family detached home, a solid screen comprised of either a six-foot-tall fence or evergreen shrubs six feet in height shall be installed.
(f) No dumpster or trash facilities shall be located within 15 feet of a property line shared with an existing single-family detached home.
(g) Permitted accessory uses.

1. Signs as regulated.

2. Private garages and off-street parking.

3. Garages under or incorporated into the building design.

4. **Fences and walls.**
5. **Tenant amenities, including, but not limited to, recreational and fitness facilities, lobbies, leasing and management offices and mail rooms.**
6. **Roof -mounted solar energy systems are permitted provided that solar panels mounted on a sloped roof shall not exceed a height of 12 inches above the roof surface and that solar panels mounted on a flat roof shall be screened by a parapet or other screening measure so that the panels are not visible from any street or adjacent property**

(h) The following bulk standards are required, but any deviations shall be treated as "c" bulk variances:

1. **Minimum lot width: 120 feet.**
2. **Minimum lot depth: 130 feet.**
3. **Minimum front yard setback: 10 feet.**
4. **Minimum secondary front yard setback: 0 feet.**
5. **Minimum side yard setback: 25 feet.**
6. **Minimum rear yard setback: 20 feet. [6]**
7. **Maximum building coverage: 40%.**
8. **Minimum green area: 10%.**
9. **Maximum height: 40 feet and three stories.**

(i) Parking. Off-street parking shall comply with the residential site improvements standards.

B. Orient Way Overlay District

1. **Purpose. It is the purpose of this overlay zone to provide opportunities for the creation of inclusionary housing developments which will provide a variety of housing types and affordability levels. Located on Block 155, Lots 10, 11, 12, 28, 29, and 30.**

(a) Permitted Principal Uses.
(1) Multi-Family Residential
(b) Minimum Lot Area: 19,000 square feet.
(c) Maximum density shall be 74 dwelling units an acre.
(d) Parking for the residential units shall be in accordance with residential site improvement standards.
(e) Where the property abuts a single-family detached home, a solid screen comprised of either a six-foot-tall fence or evergreen shrubs six feet in height shall be installed.
(f) No dumpster or trash facilities shall be located within 15 feet of a property line shared with an existing single-family detached home.
(g) Permitted accessory uses.

1. **Signs as regulated.**
2. **Private garages and off-street parking.**
3. **Garages under or incorporated into the building design.**
4. **Fences and walls.**
5. **Tenant amenities, including, but not limited to, recreational and fitness facilities, lobbies, leasing and management offices and mail rooms.**
6. **Roof -mounted solar energy systems are permitted provided that solar panels mounted on a sloped roof shall not exceed a height of 12 inches above the roof surface and that solar panels mounted on a flat roof shall be screened by a parapet or other screening measure so that the panels are not visible from any street or adjacent property**

(h) Parking. Off-street parking shall comply with the residential site improvements standards.

(i) The following bulk standards are required, but any deviations shall be treated as "c" bulk variances:

1. **Minimum lot width: 100 feet.**
2. **Minimum lot depth: 100 feet.**
3. **Minimum front yard setback: 10 feet.**
4. **Minimum side yard setback: 25 feet.**
5. **Minimum rear yard setback: 20 feet.**
6. **Maximum building coverage: 40%.**
7. **Maximum lot coverage: 90%.**
8. **Minimum green area: 10%.**
9. **Maximum height: 50 feet and four stories.**

(j) Affordable housing requirements.

1. **Affordable units in the Orient Way Overlay District shall be deed-restricted affordable units complying with the Uniform Housing Affordability Controls**
2. **The affordable units shall be deed restricted for at least 40 years.**
3. **The units shall be family affordable units.**
4. **The developer shall be responsible for the costs associated with marketing the units.**

SECTION 2. This Ordinance shall take effect immediately upon passage.

SECTION 3. All prior ordinances that are inconsistent with this ordinance are repealed.

SECTION 4. If any section subsection, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 5. The amendments set forth herein shall take effect immediately upon passage.

ATTEST:

Margaret M. Scanlon
Margaret M. Scanlon, Borough Clerk

BOROUGH OF RUTHERFORD

Frank Nunziato
Frank Nunziato, Mayor

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and Council at a meeting held **March 11, 2026.**

Margaret M. Scanlon
Margaret M. Scanlon, Borough Clerk