

**Ordinance Introduced in First Reading March 23;  
Public Hearing Tuesday, April 13, 2021 at 4:30 p.m.**

**21-005 D**

**AN ORDINANCE OF THE BOROUGH OF RUMSON TO AMEND CHAPTER XXII  
“DEVELOPMENT REGULATIONS” SECTION 22-5 “ZONING DISTRICT  
REGULATIONS”, TO AMEND A RESIDENTIAL HOUSING ZONE KNOWN AS  
BINGHAM AVENUE HOUSING ZONE DISTRICT (BA)**

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 amend Section 22-5 (Zoning District Regulations) Subsection 22-5.21 Bingham Avenue Housing Zone District (BA).

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

**SECTION 1**

That Chapter XXII, Development Regulations, Section 22-5 (Zoning District Regulations) is hereby amended to amend the Bingham Avenue Housing Zone District (BA) and amend Subsection 22-5.21 to provide zoning requirements:

**Section 22-5.21 Bingham Avenue Housing Zone District (BA)**

A. Applicability

The use, bulk, design and performance standards of the BA District shall supersede the zoning provisions of the Rumson Borough General Ordinances and the Development Regulation Ordinance (Chapter XXII). However, where the regulations and standards of the BA District are silent, the standards of the General Ordinances and Chapter XXII shall apply.

B. Purpose

The BA district provides land use regulations for the redevelopment of the site where specific site elements are incorporated that limit the impact to the surrounding parcels through the requirement of adequate development setbacks, alternate means of access and sufficient buffering. The BA District is intended to provide for the development of multifamily housing with an in-lieu contribution to support the development of households of very low, low and moderate income elsewhere in the Borough. The BA District is being created to implement the Settlement Agreement between the Borough of Rumson and Yellow Brook Property Co., LLC, which entered into on January 16, 2020 (hereinafter the “Yellow Brook Settlement Agreement”), the terms and conditions of which are incorporated herein by reference.

C. Permitted Uses. Permitted principal uses and structures. The following principal uses and structures shall be permitted in the BA District.

1. Duplex (side by side) Dwellings.
2. Public and private open space and parks.

D. Accessory Uses Permitted. The following accessory uses and structures shall be permitted in the BA District:

1. Fences and walls.

2. Off-street parking including stand-alone garages.
3. Site Furnishings (seating, etc)
4. Accessory structures as depicted on the concept plan that is attached to the Yellow Brook Settlement Agreement (also attached hereto as Exhibit A), which shall be utilized, in terms of layout, arrangement, scale and intensity.

E. Community Design and Access. Any plan for the development of the parcel shall be substantially consistent with the Exhibit A of the Yellow Brook Settlement Agreement (also attached hereto as Exhibit A), which shall be utilized, in terms of layout, arrangement, scale and intensity.

F. Maximum Building Height.

1. Maximum building height for the triplex and carriage home dwellings shall not exceed 38 feet in height and 2 ½ stories.

G. Area and Yard Requirements

The following area and bulk regulations shall apply:

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|--|--|
| 1. Maximum number of dwelling units:   | 18   |
| 2. Maximum building coverage:  | 25%  |
| 3. Maximum impervious coverage:  | 55%  |
| 4. Minimum setback from right-of-way:  | 100 feet   |
| 5. Minimum setback from tract boundary (other than ROW):   | 40 feet excluding patio/ 20 feet for patios  |
| 6. Minimum buffer width from tract boundary:   | 25 feet, 20 feet permitted only for retaining walls associated with patios. Unit 8 as shown on the Bingham Avenue concept plan shall have 15 feet permitted for retaining wall with patio. |
| 7. Minimum distance between dwellings:   | 30 feet, except units 8 & 9 where 20 feet shall be the minimum   |
| 8. Minimum distance from garage façade to sidewalk:  | 25 feet  |
| 9. Parking spaces shall be provided for all residential dwellings according to the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21).  |  |
| 10. Parking areas, roadways and driveways shall be located a minimum of 25 feet from any tract boundary, except on-street head-in parking, where 15-feet shall be the minimum, and the driveway for Unit 8 as shown on the Bingham Avenue Concept plans, where 20-feet shall be the minimum. |  |
| 11. Garages shall not face the public right-of-way without an intervening principal building situated between the garage and the public right-of-way.  |  |

12. 80% of the required parking shall be provided within an enclosed garage.
13. 50% of the on-street parking shall be provided as parallel parking spaces.
14. Parking not within a garage shall not be visible from the public right-of-way and shall be screened with plantings, walls and fences to provide 100% opacity.
15. Outside refuse disposal is not permitted. Refuse disposal container shall be contained with the buildings.
16. Surface detention facilities for stormwater management shall not be located within the front yard setback from the public right-of-way.
17. The buffer area shall not include driveways, parking, utilities, stormwater management, patios, courtyards, decks, mechanical equipment or buildings.
  - a. Existing vegetation within the buffer that is not considered invasive or dead or dying shall be preserved.
  - b. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, berms, and if appropriate, fences or walls in sufficient quantities and sizes to perform their necessary screening function.
  - c. Screening function shall be defined as providing privacy to both the proposed and existing off-site adjacent residential lots.
  - d. Existing on-site trees to remain within the required buffer area shall be utilized as part, and incorporated into, the buffer design.
  - e. Proposed screening layout and elements shall be placed only within the required buffer area and are subject to review and approval by the Borough.
  - f. Proposed plant material shall provide a four-season interest, be deer tolerant and consist primarily of native species. Invasive plant species shall not be allowed. Applicants are encouraged to use the New Jersey American Native Plant Society and the Rutgers Agricultural Extension Service websites as a guide in species selection.
  - g. Plant material shall be installed at the following minimum sizes:
    - Deciduous trees – 3” caliper minimum
    - Conifer trees – 8’ height minimum
    - Large Evergreen and Deciduous Shrubs – 4’ height minimum
    - Small Evergreen and Deciduous Shrubs – 2’ height minimum
  - h. Drip irrigation is encouraged to be incorporated within the landscape buffer area to ensure the success of the proposed plant material.
  - i. All other requirements from Section 22-8.4 shall apply.

18. The minimum tract area shall be the entirety of the zone. Subdivisions for the purposes of phasing, financing or sale of individual units is permitted as long as the area and bulk requirements for the zone are met.

H. Design Standards. Deviations from these design standards shall be considered exceptions pursuant to the procedure articulated in the New Jersey Municipal Land Use Law at NSA 40:55D-51.

1. Building Design. The purpose of these building design standards is to ensure that the design of buildings promotes a desirable visual and spatial environment and that the buildings fit within the existing range of vernacular styles within Rumson Borough.

The design of the buildings shall comply with the following standards and be substantially consistent with the Exhibit A.

2. Pedestrian Circulation. Pedestrian walkways connecting streets and parking area to the dwellings shall be provided.
3. Curbing
  - a. All curbs shall be 6" in height and constructed of Belgian block, unless mountable Belgian block curbs are proposed.
  - b. A depressed curb with a concrete apron and a sidewalk shall traverse the width of the driveway that intersects with the private road.
4. Lighting
  - a. General. All outdoor lighting should be coordinated as to style, material and color. Lighting throughout the site should overlap, creating an even level of illumination throughout the parking area. All exterior lighting shall be designed, located, installed and directed in such a manner as to prevent objectionable light at and across the property lines and to prevent glare at any location on or off the property. The use of light emitting diode (LED) fixtures is required for energy efficiency and uniform illumination.
  - b. Parking lots shall be illuminated with an average of no less than two tenths (0.2) foot-candle. The ratio between maximum foot-candles and average foot-candles shall be no greater than 20 to 1.
  - c. Illumination at property lines shall not exceed one-tenth (0.1) foot-candle, excluding public street rights-of-way.
  - d. Lighting shall be provided by fixtures in parking lots with a mounting height not more than 16 feet measured from the ground level to the center line of the light source and lighting fixtures no to exceed twelve (12) feet in height shall be provided for pedestrian walkways and residential areas outside of parking lots.
  - e. Pedestrian level lighting shall be used along any pedestrian walkways not illuminated by parking lot lighting. The minimum average illumination of pedestrian areas shall be two tenths (0.2) foot-candle over the walkway surface, except that no illumination shall be required for trails and pathways in the passive recreation land use area. The ratio between maximum foot-candles and average foot-candles shall be no greater than 20 to 1.
  - f. Fixtures for illumination shall be full cutoff luminaires.
5. Mechanical Equipment
  - a. General. Such areas, due to their visual and noise impacts onto adjacent properties and visitors to the site shall be screened, recessed and enclosed
  - b. Outdoor storage, utility meters, HVAC equipment, and other such service functions shall be incorporated into the overall design of the buildings and site layout. Walls, screens and enclosures for such uses shall be of a similar construction and material as the primary buildings to which they are associated. Such accessory structures and uses shall be adequately landscaped to the point where the visual and acoustic impacts of these functions in conjunction with walls, screens and/or enclosures are fully contained and out of the view from general passersby.

## I. General Standards

1. There shall exist approved public water and public sewer systems which shall be available to each unit prior to the issuance of the building permit for that unit.

2. For developments to be constructed over a period of years, a phasing plan shall be submitted as part of the preliminary plan for the entire concept subject to a developer's agreement with the Township.

J. Affordable Housing.

A payment in-lieu contribution to the Borough's Affordable Housing Trust Fund for the provision of five (5) off-site affordable housing units is required for development within the BA zone, as per the terms and conditions in Section 4.2 of the Yellow Brook Settlement Agreement.

**SECTION 2**

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

**SECTION 3**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4**

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 5**

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

Introduced: March 23, 2021

Passed and Approved:

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 special meeting held on March 23, 2021.

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Thomas S. Rogers  
Municipal Clerk/Administrator