

**Ordinance Introduced in First Reading April 24;
Public Hearing Tuesday, June 12, 2018 at 7:30 p.m.**

18-005 D

**BOROUGH OF RUMSON
MONMOUTH COUNTY**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF
RUMSON BY AMENDING CHAPTER XXII, DEVELOPMENT
REGULATIONS, REPLACING THE REQUIREMENTS FOR A MIXED-USE
OVERLAY OPTION IN THE GB, NB AND POB ZONE DISTRICTS IN THE
BOROUGH OF RUMSON**

PURPOSE

The purpose of this Ordinance is to replace regulations and standards governing the development of mixed-use housing developments, which will include a required on-site affordable housing component, in the Borough's GB, NB and POB Zones. The ordinance is designed to regulate said mixed-use housing developments in a manner consistent with 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 New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq.

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth, that it does hereby supplement and amend Chapter XXII of the Code of the Borough of Rumson as follows:

Section 1. Chapter 22-2.4, Definitions, the definition of "Mixed-Use Affordable Housing Development" shall be replaced in its entirety by the following:

MIXED-USE DEVELOPMENT means a development containing a combination of uses, with non-residential uses permitted in the district on the first floor and residential units on the upper floors, including market rate residential units, as well as required on-site residential units deed restricted for occupancy by very low, low and moderate income households as defined by UHAC regulations, N.J.A.C. 5:80-26.1 et seq. and COAH Prior Round regulations, N.J.A.C. 5:93-1, et seq.

Section 2. Chapter 22, Development Regulations, Section 22-5.15 of the code of the Borough of Rumson is hereby replaced in its entirety by the following:

22-5.15 Mixed-Use Overlay Zone

- a. *Purpose.* The Mixed-Use Overlay Zone is intended to promote development that supports, and is consistent with, the commercial development pattern in the underlying district, and to accommodate multi-family housing in a location that can address the housing needs and preferences of market rate and affordable households, and which also supports the underlying district. The Mixed Use Overlay Zone is a mixed-use overlay option in the Borough's GB (General Business), NB (Neighborhood Business) and POB (Professional Office Business) Zones. The boundaries of the Mixed-Use Overlay Zone shall be conterminous with the boundaries of each of the Borough's GB, NB and POB Zones. Within the overlay zone district, the development of a new mixed-use development, with a required on-site affordable housing component, or the conversion of an existing non-residential use to a mixed-use development, with a required on-site affordable housing component, is permitted as an option to the uses otherwise permitted in the GB, NB and POB Zones.
- b. Permitted uses. The following uses shall be permitted in the Mixed-Use Overlay District:
 1. All uses permitted in the underlying zone;
 2. Inclusionary multi-family residential units provided:

- i. The minimum affordable housing set-aside is met;
 - ii. All affordable housing units produced comply with the Borough's Affordable Housing Ordinance.
- c. *General Requirements and Conditions.* Mixed-use multi-family residential units shall be permitted in the Mixed-Use Overlay Zone, provided that the use and building shall adhere to the following minimum standards and conditions:
 1. All standards and requirements in the underlying GB, NB and POB Zones (subsections 22-5.10, 5.11 and 5.12) shall be met, except as otherwise modified by this section.
 2. Height: Mixed-use buildings constructed will not be higher than the maximum building height for the applicable zoning district.
 3. Density: If a mixed-use project is being constructed with residential units, the maximum density for residential uses shall be ten (10) dwelling units per acre.
 4. Affordable Housing Set-Aside: For projects less than three total units, the developer will be responsible for paying a residential development fee under the Borough's Development Fee Ordinance for each unit created. For projects that are 3, 4 or 5 total units, the developer will ensure that at least one affordable unit is delivered on-site. For projects of five or more units, such projects will deliver an on-site affordable housing set-aside of fifteen percent (15%) for rental projects, and twenty percent (20%) for for-sale projects. Affordable units in said projects must be affordable to very low, low and moderate income households in accordance with 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 New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq.
 5. Income Distribution: The income distribution for the affordable units in each project shall be as follows: no more than fifty percent (50%) may be moderate income units, at least thirty-seven percent (37%) shall be low income units and at least thirteen percent (13%) shall be very low income units.
 6. Parking: On-site parking must be provided for the sum total of all uses on site in accordance with Borough Off-Street Parking Standards Section 22-9.2.b and/or if applicable, in accordance with RSIS standards. A shared parking analysis or alternative parking analysis may be performed to demonstrate compliance.
 7. Affirmative Marketing: The units must be affirmatively marketed to the housing region in accordance with COAH's regulations and subsection 22:7.35, Affirmative Marketing of Affordable Housing Units.
 8. Affordable Housing Ordinance Requirements: The provisions of subsection 22-7.36, Affordable Housing Developments, shall apply to mixed-use affordable housing developments, including, but not limited to, the UHAC required bedroom mix: At least twenty percent (20%) of the affordable units in each project shall be three bedroom units; at least, but not more than, twenty percent (20%) of the affordable units in each project shall be efficiency and one bedroom units; at least thirty percent (30%) of the affordable units in each project shall be two bedroom units; the balance may be two or three-bedroom units, at the discretion of the developer.
 9. Deed Restriction: The developer shall have an obligation to deed restrict the affordable units in any project as very low, low or moderate income affordable units for a period of at least thirty (30) years, until such time and under such conditions as the Borough takes action to release the deed restriction, so that the Borough may count the affordable units against its affordable housing obligation.
- d. *Administrative Entity.*

1. The Borough has designated an Administrative Agent appointed by the Mayor and Council to administer the affordable units created in accordance with the Borough's Mixed-Use Affordable Housing Overlay Zone. The administrative responsibilities of the Borough's Administrative Agent include, but are not limited to, advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory unit program. The Borough's Administrative Agent shall administer the program in accordance with COAH's regulations and the subsection 22-7.35, Affirmative Marketing of Affordable Housing Units, and subsection 22-7.36, Affordable Housing Developments. The Developer is responsible for all costs of the Borough's Administrative Agent regarding the developer's particular project.
2. The Borough retains jurisdiction on all other approvals required by this Chapter, including, but not limited to, development permits and variances, subdivision or site plan approvals.
 - e. *Change in Use.* Any change in use effecting an approved mixed-use affordable housing development shall be subject to site plan approval by the Borough, except as otherwise exempted from site plan approval by this chapter. The conversion of a non-affordable residential unit to an affordable unit shall be permitted, subject only to administrative support by the Borough's Administrative Agent.

Section 3. This ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Section 4. 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 5. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Introduced: April 24, 2018