

ORDINANCE NO. 3753-26

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 131 OF
THE CODE OF THE BOROUGH OF RUTHERFORD TO CREATE A B-1
AFFORDABLE OVERLAY ZONE AND AMEND CHAPTER 50-11**

WHEREAS, the Governing Body of the Borough of Rutherford desires to change Chapter 131 Zoning, Zones Designated; Boundaries Established; and

WHEREAS, the Ordinance Committee has reviewed the proposed changes and recommends adoption of same; and

WHEREAS, the Borough Attorney has reviewed these changes and deemed them to be in order.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Rutherford as follows:

1. Section 131-3 is amended and supplemented to add thereto an additional zone to be known as the B-1 Affordable Overlay Zone
2. Section 131-4.B shall be amended and supplement to add thereto a new subsection (10) to read as follows:

(10) Block 74 Lots 18.01 & 19.01 are hereby designated as B-1 Affordable Overlay Zone.

3. The Table of General Use Regulations referenced in Section 131-7.A of the Code shall be amended and supplemented to include the following:

Zoning District:	B-1 Affordable Overlay
Principal Permitted Uses:	Residential: Multifamily Parking: Structured and/or surface Utilities
Permitted Accessory Uses:	Any uses which are clearly or customarily ancillary and incidental to a permitted principal use on the same property that are for tenant use only including but not limited to: 1. Lobby, sales, management, leasing offices; 2. Conference center, meeting rooms, tenant storage, package room, business center, flex office / co-working space, billiards, pool, game, arcade, simulator, spa, lounge; 3. Drop off / package delivery area, loading spaces and docks, recycling and refuse storage areas;

	4. Roof mounted solar photovoltaic systems.
Permitted Signs:	As regulated by this code
Minimum Required Off - Street Parking	1 space per 1.25 units
Minimum Required Off - Street Loading:	1 space which may be located on Ames Avenue as a dedicated space for loading
Zoning District:	B-1 Affordable Overlay
Minimum Lot Size:	0.5 acres
Minimum Lot Width:	200 ft
Minimum Front yard:	15 ft.; provided that a one story, maximum 250 sf lobby area shall be permitted in the front yard setback along Ames Avenue.
Minimum Rear Yard: .	20 ft
Minimum Side Yard:	along Kipp Avenue – 5 ft. along Chestnut Street – 25 ft.
Maximum Principal Building Coverage:	65%
Maximum Height of Principal Building:	40 ft or 3 stories
Density:	30 units
Maximum Impervious Surface Coverage:	80%
Maximum Impervious Surface Coverage – Front yard:	40%
Minimum Open Space:	20%
Accessory Use Bulk requirements:	15 ft. or 1.5 st.

4. Development in the B-1 Affordable Overlay Zone shall meet all applicable Borough of Rutherford Stormwater Management Control ordinances (Chapter 107A).

5. Section 50-11 of the Code is amended and supplemented to read as follows:

§ 50-11 **Required improvements.** Prior to the granting of final approval, the developer shall have installed or furnished performance guaranties for the ultimate installation of the following items and other items which the Borough Council, with the advice of the Planning Board and Borough Engineer, may find necessary in the public interest. **Any redevelopment project shall provide adequate potable water, storm water, sanitary sewer and other necessary utility infrastructure to the site. Developers shall pay for the infrastructure on site and for their fair share of off-tract improvements that may be necessitated by the project.**

ATTEST:

BOROUGH OF RUTHERFORD

Margaret M. Scanlon

Margaret M. Scanlon, Borough Clerk

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 **May26, 2026**.

Margaret M. Scanlon

Margaret M. Scanlon, Borough Clerk