



**2018
BOROUGH OF DUMONT
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Rossillo			✓	
DI PAOLO	✓			
LaBRUNO		✓		
MANNA	✓			
RIQUELME	✓			
STEWART	✓			
MAYOR KELLY				
TOTALS	4	1	1	

Ordinance No. 1536 (Revised)
 Date: March 20, 2018
 Page: 1 of 10
 Subject: Redevelopment Plan 1 Zone
 Purpose: Establish a New Redevelopment Plan 1 Zone District
 Prepared By: John Szabo

Offered by: Manna
 Seconded by: Riquelme

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly
 Susan Connelly, RMC, Municipal Clerk
 Borough of Dumont, Bergen County, New Jersey

**REDEVELOPMENT PLAN 1 (RP1) ZONE ORDINANCE
BOROUGH OF DUMONT, BERGEN COUNTY**

AN ORDINANCE TO AMEND THE BOROUGH OF DUMONT MUNICIPAL CODE TO ESTABLISH A NEW RP1 – REDEVELOPMENT PLAN 1 ZONE DISTRICT

WHEREAS, on February 4, 2014, Landmark Dumont, LLC, filed a complaint in lieu of prerogative writ for declaratory and injunctive relief seeking a builder’s remedy; and

WHEREAS, on March 8, 2016, Landmark Dumont, LLC, and the Borough of Dumont entered into a settlement agreement; and

WHEREAS, in furtherance of that settlement agreement, the Mayor and Council of the Borough of Dumont adopted Resolution 107 on May 17, 2016 authorizing the Joint Land Use Board of the Borough of Dumont to conduct a preliminary investigation to determine if a Study Area, inclusive of Block 212 Lot 20 and Block 215 Lot 1, commonly referred to as D'Angelo's Farm, constitutes an "area in need of redevelopment" as defined under the New Jersey Local Redevelopment Housing Law (LHRL); and

WHEREAS, in order to accomplish this task, the Joint Land Use Board retained Maser Consulting to undertake an investigation and prepare a report for the Joint Land Use Board's review, preliminary to the public hearing to be held on the matter, all of which were designed to inform the Board's subsequent recommendation to the Mayor and Council; and

WHEREAS, the Joint Land Use Board conducted a public hearing on July 14, 2016 to consider the matter and determined the area not to be qualified as a redevelopment area and recommended to the Mayor and Council that the subject properties not be designated as an area in need of redevelopment pursuant to the LRHL; and

WHEREAS, the Mayor and Council, considered the Joint Land Use Board recommendation and notwithstanding the conclusion of the Board, determined that the area did qualify and accordingly designated the subject properties "as an area in need of redevelopment" pursuant to the LRHL for the reasons set forth in Resolution 191 adopted by the Mayor and Council dated August 16, 2016; and

WHEREAS, in consultation with Maser Consulting, the Joint Land Use Board prepared a redevelopment plan for the area in need (the "Redevelopment Plan"), dated September 2016, and, after review of the Redevelopment Plan at a public meeting conducted on September 27, 2016, the Joint Land Use Board recommended the Redevelopment Plan for adoption to the Mayor and Council; and

WHEREAS, consistent with the recommendation of the Joint Land Use Board, the Mayor and Council adopted Ordinance 1507 on October 18, 2016 adopting the Redevelopment Plan; and

WHEREAS, although formally adopted by the Mayor and Council, the Redevelopment Plan was not codified into the Borough's Zoning Ordinance;

WHEREAS, the Mayor and Council desires to approve the Ordinance that has been prepared to incorporate the Redevelopment Plan into the Borough's Zoning Ordinance, as set forth herein.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Dumont, in the County of Bergen, and State of New Jersey, that:

SECTION 1. Chapter 455, "Zoning," Article II, Section 455-6A(1) related to classes of districts shall be amended to include a new Subsection (f), which shall read as follows:

- (f) District RP1, Redevelopment Plan 1.

SECTION 2. Chapter 455, "Zoning," Article III, "General Regulations and Restrictions" shall be amended to include a new Section 455-21.1 "Redevelopment Plan 1 (RP1) District," which shall read as follows:

§455-21.1 Redevelopment Plan 1 (RP1) District

A. Definitions.

As used in this section, the following items shall have the meanings indicated:

BUILDING HEIGHT – The vertical distance between the average finished ground elevation around the foundation of the building and the elevation of the highest point of the building if the roof is flat or, in the case of sloping roofs, to a point half the distance between the rafter plate and the upper most point of the roof, inclusive of a parapet.

IMPERVIOUS COVERAGE – The area of a lot covered by impervious surfaces.

LOT AREA – The total area within the lot lines of a lot. To the extent that any property owner contributes, without consideration, lands for a county or municipal road improvement, all calculations utilizing the lot area shall be determined by the area of each respective lot prior to the contribution of lands for the stated purpose.

B. Principal permitted uses.

- (1) Multi-family residential dwellings.

C. Permitted accessory uses.

- (1) Attached garages for automobiles.
- (2) Off-street parking.
- (3) Clubhouse, pools and recreational/fitness amenities for use by residents and their guests.
- (4) Fences, fence walls, retaining walls.
- (5) Trash enclosures.
- (6) Signs.
- (7) Other accessory uses which are customary and incidental to the permitted principal uses.

D. Bulk requirements.

	Block 212 Lot 20	Block 215 Lot 1
Minimum Lot Area	6 acres	1 acre
Minimum Front Yard Setback	25 feet	15 feet
Minimum Rear Yard Setback	25 feet	15 feet
Minimum Side Yard Setback	25 feet	15 feet
Minimum Setback to Parking Spaces	10 feet	10 feet
Maximum Impervious Coverage	70%	70%
Maximum Building Coverage	35%	25%
Maximum Building Height*	3 stories / 35 feet	3 stories / 42 feet
Maximum Density**	22 units/acre	22 units/acre

* Except that up to 50% of the units may be contained in a building up to 42 feet in height.

** Up to a maximum of 146 residential units.

E. Affordable housing requirements.

- (1) Within the RP1 District, 15% (22 units) of the total number of units (146) in the development shall be set-aside as affordable units. All affordable units shall be located on Block 215 Lot 1.
- (2) All affordable units to be produced pursuant to Section E(1) above shall be deed restricted for a minimum of thirty (30) years, and shall strictly comply with the “Affordable Housing” chapter of the Borough Code and the applicable COAH regulations, as may be amended from time to time.

F. Parking.

Off-street parking shall be provided in accordance with the New Jersey Residential Site Improvement Standards (RSIS).

G. Landscape and buffer requirements.

- (1) Street trees shall be provided along all lot frontages on municipally-owned streets and along all access drives consistent with the following:
 - (a) Trees of the following species shall be planted forty (40) feet on center:
 - Regent scholartree
 - Chinese elm
 - October glory red maple
 - Rosehill ash
 - Katsure tree

Maidenhair tree
Shademaster locust
Coffeetree
Greenspire linden
Village green zelkova
Patmore ash
Red sunset maple

- (b) Trees of the following species shall be planted fifty (50) feet on center:

Green mountain sugar maple
London plane-tree
Red oak
Sovereign pin oak

- (c) Trees shall be a minimum of three (3) inches caliper at time of planting.

(2) Parking area shade trees:

- (a) Shade trees as listed in Section G(1) above shall be provided at the rate of one (1) tree per every ten (10) parking spaces. The does not include any off-street parking space provided in a garage. Such trees may be provided within or adjacent to such off-street parking areas.
- (b) For the purposes of counting shade trees in accordance with the above, any tree planted within landscape islands internal to parking areas and any tree planted within ten (10) feet of the perimeter curbing of a parking area shall qualify as a parking area shade tree.
- (c) Trees shall be a minimum of three (3) inches caliper at time of planting.

(3) Tract buffer:

- (a) A tract buffer shall be provided around the perimeter of Block 212 Lot 20 that is an average of twenty (20) feet in width and a minimum of ten (10) feet in width. A tract buffer shall be provided around the perimeter of Block 215 Lot 1 that is an average of 15 feet in width and a minimum of ten (10) feet in width.
- (b) Buffer plantings shall consist of a combination of shade trees, evergreen trees, ornamental trees and shrubs to provide a natural looking buffer while providing a visual screen.
- (c) Buffer plants shall be the following size at the time of planting:

- [1] Shade trees shall be planted at a minimum three (3) inch caliper and shall be a minimum of ten (10) feet in height, balled and burlapped.
 - [2] Evergreen trees shall be planted at a minimum height of seven (7) feet, balled and burlapped.
 - [3] Ornamental trees shall be planted at a minimum two (2) inch caliper and shall be a minimum of six (6) feet in height, balled and burlapped.
 - [4] Shrubs shall be of a variety that matures at a minimum height of six (6) feet and shall be planted at a minimum of thirty (30) inches in height. At least fifty percent (50%) of shrubs shall be evergreen.
- (d) Shade trees shall be considered deciduous trees that mature to a height of fifty (50) or greater feet. Evergreen trees shall be considered trees which mature to a height of forty (40) or more feet and have a mature width of over ten (10) feet. Should narrower varieties of evergreens be proposed for buffer plantings, additional plants shall be required to achieve a visual screen.
 - (e) Existing trees within the proposed buffer areas that are healthy shall be retained.
 - (f) Proposed buffer plantings shall be arranged in a naturally staggered pattern and shall not be lined up in straight, single rows.

H. Lighting standards

- (1) Low-pressure sodium or mercury vapor lighting is prohibited.
- (2) Parking area lighting shall comply with the following standards:
 - (a) Lighting fixtures shall be no more than sixteen (16) feet in height.
 - (b) An average of one (1.0) footcandle shall be maintained within parking areas and along all sidewalks.
 - (c) Parking area fixtures shall be full cut off or have shields to prevent light spillage on adjacent properties. Footcandles shall be limited to a maximum of one-half (0.5) footcandle at the property line where the RP1 District abuts existing single-family residences.

- (d) No lighting fixtures shall be within ten (10) feet of the property line.

I. Building design standards.

(1) Architecture:

- (a) All building facades shall consist of brick, stone, cast stone, stucco, simulated stucco, cedar shakes or other high-quality materials such as Hardiplank, cementitious boards, cultured stone, etc.
- (b) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies and recesses shall be used to add architectural interest variety and to relieve the visual effect of a simple, long wall. Similarly, dormers or gables shall be provided to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
 - [1] The maximum spacing between building wall offsets shall be sixty (60) feet.
 - [2] The minimum projection or depth of any individual vertical offset shall not be less than one (1) foot.
- (c) All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details.
- (d) Gable and hipped roofs shall be used. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
- (e) Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
- (f) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- (g) Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.

- (2) Trash enclosures:
 - (a) Trash enclosures shall not be visible from any public street.
 - (b) All trash enclosures shall be screened by a solid masonry wall on three (3) sides and heavy-duty gate closures on the fourth side.
 - (c) All trash enclosures shall be surrounded by a mixture of deciduous and evergreen plant species that are a minimum of six (6) feet at the time of planting.

J. Traffic study.

The applicant shall submit a traffic study that shows traffic patterns on-site and off-site.

K. Access.

A copy of any and all development applications shall be submitted to the Borough of Dumont Fire Chief. Secondary means of access shall be at the discretion of the Fire Chief.

L. Exemptions.

Properties within the RP1 District are specifically exempted from the provisions of §455-12, §455-17, and §455-18 of the Borough Zoning Code.

SECTION 3. The Zoning Map annexed to Chapter 455, "Zoning," of the Borough Code shall be amended to identify and include the Redevelopment Plan 1 District, as depicted on the accompanying map.

SECTION 4. Chapter 350, "Signs", Article I, Section 350-15 "Location; use signs" shall be amended to include a new Section D., which shall read as follows:

- D. The following signs and none other, unless expressly permitted by another section of this article, are permitted to be erected in the RP1 District:
 - (1) Monument signs:
 - (a) One (1) monument sign shall be permitted per parcel to identify the residential development.
 - (b) The total area of the monument sign, including the sign face and support structure, shall be limited to forty (40) square feet.

- (c) The height of the sign shall not exceed a height of five (5) feet above the grade.
 - (d) Monument signs shall be set back a minimum of ten (10) feet from any property line.
 - (e) A double-faced sign shall be counted as one (1) sign.
 - (f) Monument signs may be illuminated by shielded floodlights only.
- (2) The provisions of §350-8 and §350-9 of the Borough Sign Code shall not apply to properties in the RP1 District.

SECTION 5. All Ordinances of the Borough of Dumont, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 6. If any section, subsection, sentence, clause of phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 7. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

ATTEST:

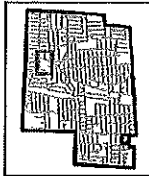
Susan Connelly, RMC
Municipal Clerk

James J. Kelly, Mayor

Reintroduced: March 20, 2018
Public Hearing:
Adopted:

BURGIS ASSOCIATES, INC.
 CONSULTING ENGINEERS
 1775 WASHINGTON AVENUE
 NEWTON, NEW JERSEY 07840
 P: 201.664.1414
 F: 201.664.2100

PROJECT TITLE:
**REDEVELOPMENT PLAN 1
 ZONE ORDINANCE**



Legend

□ Parcels

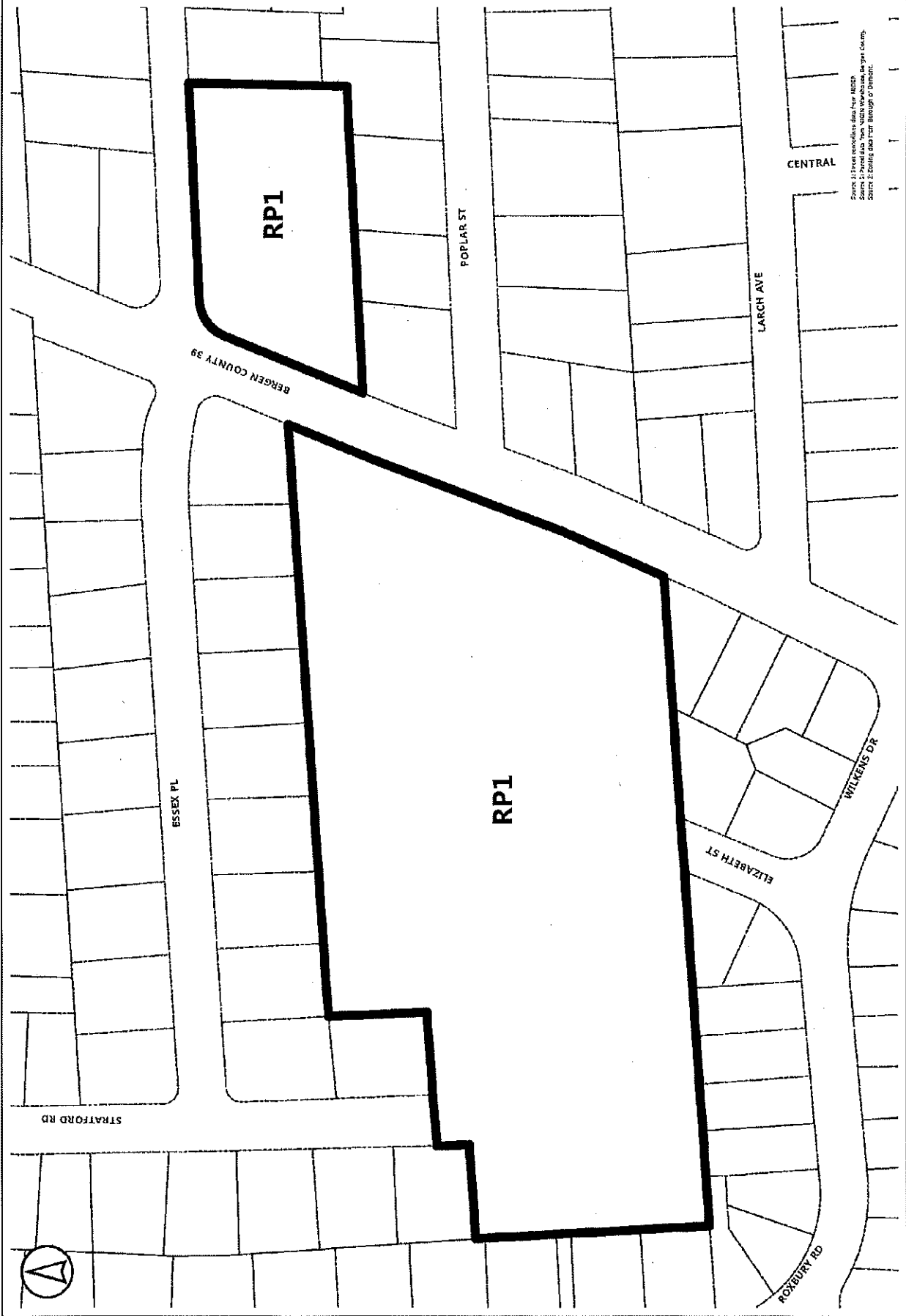
▭ RP1 District

REV	DATE/DESCRIPTION	BY	CHK	APP

Prepared by: **Amendments to Zoning MFR**

Scale: 1" = 40' (0' 0" to 80' 0" Feet)

JOSEPH H. BURGIS, AEC
 PROFESSIONAL ENGINEER
 STATE OF NEW JERSEY
 License No.: 23724-0001
 Expiration: 12/31/2023
 Date: 2.1.17
 Page No.: 8/8



Source 1: Parcel boundaries from NJDOT
 Source 2: Parcel data from NJGIS Warehouse, Bergen County
 Source 3: Streets data from Borough of Dumont