

## 13-003 D

### AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS

BE IT ORDAINED by the Borough Council of the Borough of Rumson, 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 certain portions of the Development Regulation to address the new ABFE elevations and to clarify generator setbacks.

*Chapter XXII (Development Regulations) of the Code of the Borough of Rumson is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):*

#### SECTION 1

*Chapter XXII (Development Regulations) subsection 5.14 (Regulations Controlling the H-BP Historic-Barley Point Seasonal Residential Zone District) shall be amended as follows:*

#### 22-5 ZONING DISTRICT REGULATIONS.

##### 22-5.1 Zoning Map and Schedule. through 22-5.13 Regulations Controlling the Public Facilities and Open Space (POS) Zone District.

No Change.

##### 22-5.14 Regulations Controlling the H-BP Historic-Barley Point Seasonal Residential Zone District.

- a. *Permitted Uses.* through d. *Conditional Uses.* No Change.
- e. Zoning requirements, standards and regulations shall be in accordance with the following:
  1. Minimum Lot Area. through 8. Maximum Gross Floor Area.
  9. Building Height. The height of a residential bungalow unit shall not exceed eighteen (18') feet from the finished first floor to the highest point on the roof and the highest point of roof peak shall not be more than twenty (20') feet above the minimum first floor elevation as required by the National Flood Insurance Program (FEMA) as shown on the adopted DFIRM or the Advisory Base Flood Elevation Map identified within the Documents referenced in subsection 17-3.2, whichever is greater.
  10. Building to Building Setback. through 15. Floor Projections. No Change.

#### SECTION 2

*Chapter XXII (Development Regulations), subsection 7.7 (Yard Areas, Building Orientation, and Fenestration) and subsection 7.26 (Parking, Garages, Driveways and Stables) shall be amended as follows:*

#### 22-7 GENERAL ZONING PROVISIONS.

##### 22-7.1 Purpose. through 22-7.6 Frontage on Improved Street Required. No Change.

##### 22-7.7 Yard Areas, Building Orientation, and Fenestration.

- a. through j. No Change.

k. Generators shall: 1) be provided with a sound attenuation enclosure properly designed by the generator manufacturer for both adequate airflow as well as significant sound reduction and shall have a critical muffler unless waived by the administrative officer (Zoning Officer) who may require certification of sound levels; 2) not be located between a principal structure (or the projection of the face of a principal structure) and any street; 3) conform to the minimum setback requirements for principal structures for all generators greater than 20 KW or conform to the minimum setback requirements for accessory structures for all generators 20 KW or smaller; and 4) be located entirely within twenty-five (25') feet of the principal structure.

**22-7.8 Accessory Buildings and Structures. through 22-7.25 Fences and Walls.**

No Change.

**22-7.26 Parking, Garages, Driveways and Stables.**

a. through d. No Change.

e. In the R-4, R-5 and R-6 Zone Districts, and for residential uses in the GB, NB and POB Zone Districts, the minimum size of a one (1) car attached or detached garage shall be two hundred sixty (260) square feet. That portion of the floor area of detached garages, equal to the lesser of fifty (50%) percent of the garage floor area or one hundred thirty (130) square feet, shall not be considered in determining floor area, building and lot coverage.

The unfinished portion of single family dwellings located within Areas of Special Flood Hazard that are: 1) located below the base flood elevation as set forth in Subsection 17-3.2 Basin for Establishing Areas of Special Floor Hazard or in Subsection 17-4.3.b, Use of Other Base Flood Data; and 2) used for parking or storage only, shall not be considered in determining floor area.

f. through l. No Change.

**22-7.27 Soil Removal and Fill. through 22-7.37 Outdoor Cafe. No Change.**

**SECTION 3**

**Chapter XXII (Development Regulations) Schedule 5-1 SCHEDULE OF ZONING DISTRICT REGULATIONS shall be amended as follows:**

**BOROUGH OF RUMSON—SCHEDULE 5-1  
SCHEDULE OF ZONING DISTRICT REGULATIONS**

ZONE DISTRICT	INTERIOR LOTS		CORNER LOTS		MINIMUM YARD REQUIREMENTS (FEET) (4)										Minimum Gross Residential Ground Floor Area Square Feet (1) (2)			Minimum	Maximum	Maximum	
	Minimum Lot Area	Minimum Lot Width and Frontage (Feet) (12)	Minimum Lot Area	Minimum Lot Width and Frontage (Feet) (12)	Principal				Accessory Building		Accessory (4) Structure		Interior Lot Shape Rqmnts Minimum Diameter Feet (8)	Corner Lot Shape Rqmnts Minimum Diameter Feet (8)	Maximum Building Height (10) * *	1 Story	1 1/2 Story	2 Story	Square Feet	Lot and Building Coverage (5) (9) (19) ** **	Floor Area Ratio (9) *** **
					Front (18) (20)	One Side Yard (7), (16)	Total of Two Side Yards (16)	Rear Yard	Side Yard (17)	Rear Yard (17)	Side Yard (6)	Rear Yard (6)									
<b>RESIDENTIAL</b>																					
R-1 SINGLE FAMILY	1.5 AC.	200	1.5 AC	250	100	40	80 (7)	50	15	15	15	15	115	115		2400	1800	1400	N/A		
R-2 SINGLE FAMILY	1.0 AC.	150	1.0 AC	200	75	25	50 (7)	40	15	15	15	15	100	100		2000	1400	1200	N/A		
R-3 SINGLE FAMILY	.75 AC.	125	35000 S.F.	165	60	20	40 (7)	40	15	15	15	15	85	85		1500	1200	1000	N/A		
R-4 SINGLE FAMILY	10000 S.F.	75	12500 S.F.	100	35	7 (11)	18 (7)	40 (13)	5	5	5	5	50	50		900	800	600	N/A		
R-5 SINGLE FAMILY	6000 S.F.	50	8000 S.F.	75	35	6 (11)	16 (7)	35 (14)	5	5	5	5	34	33		800	700	600	N/A		
R-6 SINGLE FAMILY	5000 S.F.	50	7000 S.F.	70	30	6 (11)	16 (7)	35 (15)	5	5	5	5	34	33		800	700	600	N/A		
<b>BUSINESS</b>																					
POB PROFESSIONAL OFFICE BUILDING	12000 S.F. (3)	100	12000 S.F. (3)	100	25	10	20	35	5	5	5	5	55	55		800	700	600 (3)	600 (3)		
NB NEIGHBORHOOD BUSINESS	12000 S.F. (3)	100	12000 S.F. (3)	100	25	10	20	30	5	5	5	5	65	65		800	700	600 (3)	600 (3)		
GB GENERAL BUSINESS	12000 S.F. (3)	100	12000 S.F. (3)	100	20	10	20	30	5	5	5	5	60	60		800	700	600 (3)	600 (3)		
<del>PDS</del> <del>POS</del> PUBLIC FACILITIES AND OPEN SPACE	---	---	---	---	---	---	---	---	---	---	---	---	---	---		---	---	---	---		

**NOTES:**

- (1) through (4) No Change.
- (5) Exclusions from lot coverage for permitted single family dwellings:
  - a. Walkways constructed on grade .
  - b. That portion of unroofed patios and terraces which does not exceed 30% of the principal building ground floor area.

- c. In the R-1, R-2 and R-3 zones, that portion of unroofed porches and decks which does not exceed 30% of the principal building ground floor area.
- d. In the R-4, R-5 and R-6 zones, and for permitted single family dwellings in the POB, GB, NB zones, that portion of unroofed porches and decks which does not exceed 20% of the principal building ground floor area.
- e. Entry steps, and unroofed stoops and landings, in Areas of Special Flood Hazards as set forth in Subsection 17-3.2 Basis for Establishing Areas of Special Flood Hazard, or in Subsection 17-4.3b., Use of Other Base Flood Data.
- (6) through (19) No Change.
- (20) Within all Areas of Special Flood Hazards as set forth in Subsection 17-3.2 Basis for Establishing Areas of Special Flood Hazard, or in Subsection 17-4.3b., Use of Other Base Flood Data, unroofed porches, landings, stoops and stairs may be permitted to extend up to ten (10') feet beyond the front setback line of a Residential Zone.

## SECTION 4

***Chapter XXII (Development Regulations) Schedule 5-2 SCHEDULE OF MAXIMUM PERMITTED BUILDING HEIGHT shall be amended as follows:***

### SCHEDULE 5-2

#### SCHEDULE OF MAXIMUM PERMITTED BUILDING HEIGHT

Chart: No Change.

1. through 2. No Change.
3. Within all areas of special flood hazards as set forth in subsection 17-3.2 Basis for Establishing Areas of Special Flood Hazard, or in subsection 17-4.3b., Use of Other Base Flood Data, the maximum ridge height shall be measured from the FEMA Base Flood Elevation or Advisory Base Flood Elevation, whichever is greater. ~~determined by the following:~~

~~FEMA Base Flood Elevation + Maximum Permitted Building Height for Zone — Rumson Base Flood Elevation = Maximum Building Height from Finished Floor Elevation~~

Example within R-5 Zone:

~~9.0' (FEMA BFE) + 35' (maximum height for R-5 Zone) — 13.0' (Rumson BFE) = 31.0' (Maximum Building Height from Finished Floor)~~

4. Within all areas of special flood hazards as set forth in subsection 17-3.2 Basis for Establishing Areas of Special Flood Hazard, or in subsection 17-4.3b., Use of Other Base Flood Data, the maximum eave height measured from the FEMA Base Flood Elevation or Advisory Base Flood Elevation, whichever is greater. ~~may exceed the prescribed height as noted in Schedule 5-2 above, provided that in no case shall the eave height be greater than twenty-four (24') feet above the finished floor elevation.~~
5. Existing homes within all areas of special flood hazards as set forth in subsection 17-3.2 Basis for Establishing Areas of Special Flood Hazard, or in subsection 17-4.3b., Use of Other Base Flood Data being elevated to comply with subsection 17-6.2 Specific Standards are exempt from maximum ridge and eave height requirements.

## SECTION 5

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

## SECTION 6

The Borough Clerk is hereby directed, upon adoption 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 7

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

Introduced: January 15, 2013.

Passed and Approved:

I hereby approve of the  
passing of this ordinance.

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John E. Ekdahl,  
Mayor

Attest:

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Thomas S. Rogers,  
Municipal Clerk/Administrator