

16-007 D

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

BE IT ORDAINED by the Mayor and 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 Regulations relating to Section 22-3, Administration, Subsection 22-3.4 (Certificates and Permits), Subsection 22-3.14 (Fees), Section 22-4, Procedure, Subsection 22-4.5 (Minor Subdivision and Minor Site Plan Procedure), Subsection 22-4.6 (Major Subdivision and Major Site Plan Procedure), Section 22-5, Zoning District Regulations, Subsection 22-5.3 (Permitted and Prohibited Uses), Section 22-7 General Zoning Provisions, Subsection 22-7.7 (Yard Areas, Building Orientation, and Fenestration) Subsection 22-7.8 (Accessory Building and Structures), Subsection 22-7.15 (Outdoor Storage of Materials), Subsection 22-7.26 (Parking, Garages, Driveways and Stables), Subsection 22-7.27 (Soil Removal and Fill), Section 22-9 Improvement Standards, Specific Criteria and Construction Specification, Subsection 22-9.2 (Improvement Standards).

Chapter XXII, Development Regulations, of the Code of the Borough of Rumson are 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) Section 3 ADMINISTRATION, Subsection 3.4 Certificates and Permits shall be amended as follows:

CHAPTER XXII DEVELOPMENT REGULATIONS*

***Editor's Note:** This Chapter XXII was adopted in entirety by Ordinance No. 6/14/90. Additional amendments are noted where applicable.

22-3.4 Certificates and Permits.

a. Development Permit.

1. No Change.
2. An application for development permit shall be in writing by the owner or his authorized agent and include the following unless the administrative officer determines that a particular item is not needed in order to make a decision.
 - (a) A statement of the use or intended use or uses of the building, structure or land.
 - (b) An elevation drawn to scale of the building or structure to be erected including signs to be placed thereon and their content and manner of construction.
 - (c) A plan drawn to scale showing all proposed and/or existing buildings, signs, parking areas, setbacks, and yard distances in exact relocation to street and lot lines.
 - (d) The proportion of existing and proposed lot coverage.
 - (e) The location of any wetlands, easements, or floodplains.
 - (f) A current topographical survey of any property involving the demolition, removal or moving of a building, residential or commercial. This survey shall certify the grade height of the property so that any new structure's height can be accurately measured from the existing grade prior to any filling of the property.

(g) A certified inspection report of the sanitary sewer lateral pipe from the dwelling to the sewer main per Chapter IX. The report shall have been completed within 1 year of the time of development permit application. The administrative officer may waive this requirement if the existing sewer lateral pipe is being replaced.

3. The Administrative Officer (Zoning Officer) shall take action on a complete application for a development permit within forty-five (45) days of its submission.

4. Prior to issuance of a development permit, the applicant shall have, where applicable, secured other required permits including, but not limited to:

(a) Access permit from the New Jersey Department of Transportation and/or Monmouth County Engineering Department.

(b) Drainage permits from the New Jersey Department of Transportation.

(c) ~~Stream encroachment permit~~ Flood Hazard Area Permit from the New Jersey Department of Environmental Protection.

(d) through (k) No Change.

5. No Change.

b. *Certificates as to Approval of Subdivision of Land.* through e. *Soil Erosion and Sediment Control Plan Certification.* No Change.

SECTION 2

Chapter XXII (Development Regulations) Section 3 ADMINISTRATION, Subsection 3.14 Fees shall be amended as follows:

22-3.14 Fees.

The developer shall, at the time of filing an application, pay a nonrefundable fee to the Borough of Rumson by cash, certified check, or bank draft in accordance with the current fee schedule adopted by the Borough Council on file in the Borough Clerk's Office. The fee to be paid shall be the sum of the fees for the component elements of the plat or plan. Proposals requiring a combination of approvals such as subdivision, site plan, and/or variance, shall pay a fee equal to the sum of the fee for each element. Additional fees may be assessed for extraordinary review costs not otherwise covered by this section. The amount of any fees for an informal review shall be a credit toward fees for review of the application for development. Additional fees may be assessed for extraordinary review costs not otherwise covered by this section as a refundable application escrow fee as specified herein.

a. through l. No Change.

m. *Refundable Application Escrow Fees.* The fees required by this subsection shall be for the purpose of reimbursing the Borough for direct fees, costs, charges and expenses of an extraordinary nature made by the Borough Engineer and/or professional consultants retained by or on behalf of the Borough and/or its boards, commissions or agencies in reviewing, testifying and/or assisting the Borough in the evaluation, planning and proper design of municipal services and facilities necessary to accommodate the present or anticipated needs of a proposed development.

1. The Municipal Agency may determine whether escrow fees will be required in accordance hereof. If an escrow fee is required, charges and expenses of an extraordinary nature made by the Borough Engineer and/or professional consultants will be considered to be those costs which exceed fifty (50%) percent of the nonrefundable application fees posted pursuant to subsection 22-3.14/. Such charges and expenses of an extraordinary nature incurred as a direct or indirect result of a development application may be charged to the refundable application escrow fees.

2. through 5. No Change.

6. *Refundable Application Escrow Fees.* Development applications involving residential and nonresidential construction will be subject to all escrow determined by adding the residential and nonresidential components shown below:

Residential Minor Subdivisions Escrow Fees shall be \$2,000.00 per lot proposed.

Commercial Development

NOTE: Use the greater of the escrow amounts determined from the floor area and parking space tables below:

<i>Based on Floor Area</i>	<i>Escrow</i>
0—1,000 S.F., GFA	\$ 2,000.00
1,001—10,000 S.F., GFA	\$ 4,000.00
10,001—50,000 S.F., GFA	\$ 6,000.00
50,001—100,000 S.F., GFA	\$ 9,000.00
100,001+ S.F., GFA	\$12,000.00

<i>Based on Parking Spaces</i>	<i>Escrow</i>
0—5 spaces	\$ 2,000.00
6—25 spaces	\$ 5,000.00
26—100 spaces	\$15,000.00
101—500 spaces	\$20,000.00
501+ spaces	\$25,000.00

One hundred fifty (\$150.00) dollars shall be the hourly billing rate for reimbursing the Borough for direct fees, costs, charges and expenses incurred by the Borough Engineer, unless a fee is otherwise established elsewhere herein. From time to time, the Borough may utilize Consulting Engineering Firms to assist the Borough Engineer. The fee shall be based on actual accrued hourly charges and miscellaneous expenses in accordance with the current annual contract held by the Borough for Consulting Engineering.

n. *Nonrefundable Inspection Fees.* through p. *Reproduction Fees.* No Change.

q. *Tax Map and GIS Revision Fees.* A fee of ~~one two~~ two hundred (~~\$100.00~~) (\$200.00) dollars per lot or unit shall be charged for all minor and major subdivisions, residential unit site plans or condominium or cooperative residential or commercial development to cover the cost of revising the Borough Tax Map. This fee shall be paid prior to signing of the final plat of a major subdivision by the Chairman and the Secretary of the Municipal Agency and Borough Engineer/Surveyor.

r. *Revised Plats.* through u. *Certificate of Pre-existing Use.* No Change.

v. *Grading Permit Application for Engineering Review of Individual Plot House Location/Grading Plans for Fill Over Ten (10) Cubic Yards per 22-7.27 Soil Removal and Fill.*

1. Lot area less than 7,500 square feet	\$200.00
2. Lot area of 7,500 square feet, but less than 1.5 acres	\$300.00
3. Lot area of 1.5 acres or greater	\$500.00

4. If original submission is not approved, each subsequent resubmission will require payment of an additional one hundred fifty (\$150.00) dollar review fee, as set forth above. If original submission is approved conditionally, no additional fee is required.

5. The plan review fee shall be collected at the time of document submission. From time to time, the Borough may utilize Consulting Engineering Firms to assist in the review of plans. The fee shall be based on actual accrued hourly charges and miscellaneous expenses in accordance with the current annual contract held by the Borough for Consulting Engineering.

w. *Site Plan Charges Computation for Partial Site Developments.* through x. *Supervision.*

No Change.

y. *Inspection, Testing and Engineering Administration Fees.* Prior to signing of any final plat, issuance of a development permit or the start of construction of any more improvements required by the provisions of this chapter, the developer shall deposit by cash or certified check with the Borough Clerk an amount determined from the schedule of inspection fees. Said amount shall be used to defray the cost of inspection, testing, engineering, administration, and other costs,

and fees paid by the Borough in connection with the inspection and acceptance of the installation of the required improvements. All monies received on account of engineering and inspection fees shall be deposited by the Borough in an appropriate account. The Borough shall arrange for the Borough Engineer, the appropriate municipal officials or other qualified persons to provide all necessary administrative and engineering services. One hundred fifty (\$150.00) dollars shall be the hourly billing rate for reimbursing the Borough for direct fees, costs, charges and expenses incurred by the Borough Engineer, unless a fee is otherwise established elsewhere herein.

z. *Affordable Housing Development Fees.* through bb. *Stormwater Management and Control Fees.* No Change.

SECTION 3

Chapter XXII (Development Regulations) Section 4 PROCEDURE, Subsection 4.5 Minor Subdivision and Minor Site Plan Procedure shall be amended as follows:

22-4.5 Minor Subdivision and Minor Site Plan Procedure.

a. through e. No Change.

f. Prior to the signing of the final plans, the issuance of any construction permits or the start of any construction, the applicant shall submit one (1) standard AutoCAD .DWG or .DXF file copy (on a CD, DVD or other recordable media) of the final layout plan and/or final plat. The AutoCAD file shall be used for municipal purposes only. The file shall include the following minimum information:

1. Location and distances of all existing and proposed property lines.
2. Location of all existing and proposed easements.
3. Existing and proposed roadways (edge of pavement and/or curb).
4. Location of all existing and proposed sanitary and storm sewers.
5. All existing and proposed block and lot numbers.

All line and text elements shall be on separate layers, and all the above items shall be on separate layers. Each CD, DVD or other recordable media shall be labeled with the name of the subdivision and/or site plan, the name of the applicant, and the tax map block and lot numbers for future identification. Additionally, a portable document format (PDF) file of the signed plans shall be submitted with the above referenced AutoCAD files. The PDF files shall be 400 dpi resolution or greater and shall contain all the required signatures of approval.

g. No Change.

SECTION 4

Chapter XXII (Development Regulations) Section 4 PROCEDURE, Subsection 4.6 Major Subdivision and Major Site Plan Procedure shall be amended as follows:

22-4.6 Major Subdivision and Major Site Plan Procedure.

a. *Preliminary Approval of Major Subdivisions and Major Site Plans.* Through b. *Effect of Preliminary Approval of Major Subdivisions and Major Site Plans.*

c. *Final Approval of Major Subdivisions and Major Site Plans.*

1. through 5. No Change.

6. Prior to the signing of the final plans, the issuance of any construction permits or the start of any construction, the applicant shall submit one (1) standard AutoCAD .DWG or .DXF file copy (on a CD, DVD or other recordable media) of the final layout plan and/or final plat. The AutoCAD file shall be used for municipal purposes only. The file shall include the following minimum information:

- (a) Location and distances of all existing and proposed property lines.
- (b) Location of all existing and proposed easements.

- (c) Existing and proposed roadways (edge of pavement and/or curb).
- (d) Location of all existing and proposed sanitary and storm sewers.
- (e) All existing and proposed block and lot numbers.

All line and text elements shall be on separate layers, and all the above items shall be on separate layers. Each CD, DVD or other recordable media, shall be labeled with the name of the subdivision and/or site plan, the name of the applicant, and the tax map block and lot numbers for future identification. Additionally, a portable document format (PDF) file of the signed plans shall be submitted with the above referenced AutoCAD files. The PDF files shall be 400 dpi resolution or greater and shall contain all the required signatures of approval.

- d. *Effect of Final Approval of Major Subdivisions and Major Site Plans.* No Change.

SECTION 5

Chapter XXII (Development Regulations) Section 5 ZONING DISTRICT REGULATIONS, Subsection 5.3 Permitted and Prohibited Uses shall be amended as follows:

22-5.3 Permitted and Prohibited Uses.

- a. No Change.
- b. Prohibited uses shall include but not be limited to the following:
 - 1. through 15. No Change.
 - 16. Kennels, and veterinary hospitals and sale of dogs and cats.
 - 17. through 27. No Change.
 - 28. Pet shops and the retail sale of pets and/or animals.

SECTION 6

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Subsection 7.7 Yard Areas, Building Orientation, and Fenestration shall be amended as follows:

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 22 kW or conform to the minimum setback requirements for accessory structures for all generators 22 kW or smaller; and 4) be located entirely within twenty-five (25') feet of the principal structure; or waived by the administrative officer (Zoning Officer) for an alternate location that meets the required accessory or principal setback (Example: Unit located by detached garage); and 5) be screened when viewed from immediately adjoining properties, public streets, and/or river frontages in accordance with 22-7.25 and 22-7.32.
 - 1. Permanently installed above ground utility equipment, including but not limited to air conditioners, irrigation pumps and wells, electrical transformers and water supply valves, shall be screened when viewed from immediately adjoining properties, public streets, and/or river frontages in accordance with 22-7.25 and 22-7.32 unless waived by the administrative officer (Zoning Officer).

SECTION 7

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Subsection 7.8 Accessory Building and Structures shall be amended as follows:

22-7.8 Accessory Buildings and Structures.

Accessory buildings and structures shall conform to this subsection and, when not in conflict with specific provisions of this subsection, to the general requirements set forth in Schedule 5-1, Schedule of Zoning District Regulations.

Editor's Note: Schedule 5-1, referred to herein may be found at the end of this chapter.

- a. through e. No Change.
- f. Residential accessory pools and any associated accessory building shall not be located in any front yard nor between any principal dwelling and a street and shall maintain a minimum setback to any property line as follows:
 1. To the pool and any associated accessory building: ten (10') feet in the R4, R5, R6, GB, NB and POB Zones and twenty-five (25') feet in all other zones; or
 2. To aprons, decks, walks, fences, equipment and other accessory structures associated with the pool, the same setback required for other accessory structures by Schedule 5-1, Schedule of Zoning District Regulations; or
 3. For lots bordering on a river or other navigable waterway, also see subsection 22-7.32.
 4. Pool equipment shall be screened when viewed from immediately adjoining properties, public streets, and/or river frontages in accordance with Sections 22-7.25 and 22-7.32.
- g. through k. No Change.

SECTION 8

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Subsection 7.15 Outdoor Storage of Materials shall be amended as follows:

22-7.15 Outdoor Storage of Materials.

No residential or nonresidential use shall store materials of any kind outdoors in any district except when properly contained and secured in connection with the construction of a structure to be erected on the premises unless specifically permitted elsewhere in this chapter.

SECTION 9

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Subsection 7.26 Parking, Garages, Driveways and Stables shall be amended as follows:

22-7.26 Parking, Garages, Driveways and Stables.

- a. through i. No Change.
- j. All garages, detached or attached, shall be arranged to provide adequate access and maneuvering room. In general, at least twenty-five (25') feet of unobstructed driveway should be provided aligned with the centerline of a garage before a vehicle is required to make any significant turns. The Borough Engineer's opinion may be sought regarding the adequacy of garage access.

For residential properties that front on a Monmouth County Route with a single driveway, a k-turn space is permitted in the front yard constructed of a material to match the driveway. The k-turn space shall be located entirely on the subject property and comply with side setbacks as defined herein. The maximum size of the k-turn space shall not exceed 9 feet wide by 18 feet long. The k-turn space shall be included in lot coverage. The k-turn space shall not be used for parking and shall not satisfy off-street parking requirements.

- k. through l. No Change.

SECTION 10

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Subsection 7.27 Soil Removal and Fill shall be amended as follows:

22-7.27 Soil Removal and Fill.

a. through c. No Change.

d. Wherever grading is to occur, necessary soil erosion prevention and protection measures in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey and consistent with industry best practices should be implemented to ensure work is undertaken with minimum impacts to the existing infrastructure and surrounding properties. As a minimum, a silt fence or barrier of equivalent or better protection must be installed around the limit of disturbance whenever there is a potential to impact an adjacent property or public infrastructure. The property owner or their agent is responsible for the periodic removal of accumulated soils and debris from the adjacent street(s) by sweeping or other means of removal at the direction of the Borough.

e. Grading or other disturbance of property shall be accomplished in accord with approved plans, good industry practice and in a manner to avoid damage to any property including public infrastructure and to protect the health and safety of the public. The applicant shall be responsible for addressing negative impacts to neighboring properties as related to grading or other property disturbance to the satisfaction of the Construction Official.

f. The Construction Official may seek advice from other Borough Officials to determine how best to address an erosion problem.

g. Inspections by Borough Engineer: periodic inspections by the Borough Engineer shall be required during construction at the following project milestones:

- After initial lot clearing and/or installation of soil erosion and sediment control measures.
- Installation of all drainage infrastructure (excluding roof leaders within building envelope) prior to backfill of trench.
- Completion of final site grading prior to installation of vegetative measures.
- Final Engineering Site Inspection for recommendation of issuance of Certificate of Occupancy

The property owner or owner’s representative shall contact the Building Department to schedule the required inspections a minimum of 48 hours prior to the start of work. The Borough Engineer shall issue a written inspection report approving or identifying corrective actions required prior to approving the work completed to date. The report will be issued to the property owner or owner’s representative and kept on file with the Borough.

~~g.~~ h. At the completion of all construction activity when a grading plan was required or when requested by the Construction Official and prior to the issuance of a Certificate of Occupancy, an as-built grading plan shall be submitted for review by the Construction Official or other Borough Officials as necessary. The as-built grading plan shall include, but not be limited to show the full extent of the subject improvements, building corners elevations, finished floor elevations, garage floor elevations, ground spot elements, one (1') foot interval contours, curbs, sidewalks, patios, decks, driveways, and any other relevant information.

~~h.~~ i. Any property that is elevated above existing grades shall not impede the free flow of stormwater runoff from adjacent properties.

SECTION 11

Chapter XXII (Development Regulations) Section 9 IMPROVEMENT STANDARDS, SPECIFIC CRITERIA AND CONSTRUCTION SPECIFICATION, Subsection 9.2 Improvement Standards shall be amended as follows:

22-9.2 Improvement Standards.

a. *Streets.*

1. General. through 5. Shoulders. No Change.
6. Sidewalks.
 - (a) through (e) No Changes.

(f) Accessible barrier-free ramps shall be provided at intersections and crosswalks in accordance with the United States Access Board-Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way, dated July 26, 2011.

(g) Whenever a developer within the Borough of Rumson is required by ordinance, statute or stipulation of the Planning Board or Zoning Board of Adjustment to install sidewalks, the applicable board may waive said sidewalk requirement at the request of the developer, or on its own initiative. Upon the granting of such a waiver, the developer shall be required to pay to the Borough of Rumson an amount equal to the reasonable cost of installing said sidewalks, said amount to be determined by the Borough Engineer upon submission and consideration of various estimates and other documentation from the developer, other interested parties and the office of the Borough Engineer itself, taking into account factors such as the application of prevailing wage requirements added to the Borough's construction costs. All funds collected by the Borough of Rumson from developers as set forth above shall be maintained in a Sidewalk Capital Construction Fund account which is hereby authorized and created, the proceeds of which shall be made available to install sidewalks throughout the Borough of Rumson where properly authorized by the Mayor and Council. Nothing contained herein shall affect the right of the Borough of Rumson to enact ordinances requiring assessments for sidewalks from property owners as authorized under N.J.S.A. 40:65-2, or other statutory rights granted to municipalities.

7. Bikeways. through 14. Traffic Signs. No Change.

b. *Off-Street Parking.* through f. *Stormwater Management.* No Change.

SECTION 12

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 13

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.40:29-2.1.

SECTION 14

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

Introduced: November 15, 2016

Passed and Approved:

I hereby approve of the
passing of this ordinance.

John E. Ekdahl
Mayor

Attest:

Thomas S. Rogers
Municipal Clerk/Administrator