

17-009 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 22-2, Definitions, Subsection 22-2.4 (Definitions), Section 22-3, Administration, Subsection 22-3.3 (Provisions Applicable to Both Municipal Agencies (Planning Board, Zoning Board of Adjustment)), Section 22-6, Conditional Uses, Subsection 22-6.10 (Restaurants), Subsection 22-6.11 Wireless Telecommunications Towers, Antennas, and Transmission Facilities on Non-Municipal Property, Section 22-7, General Zoning Provisions, Subsection 22-7.8 (Accessory Buildings and Structures) Subsection 22-7.12 (Height Limitations), Subsection 22-7.26 (Parking, Garages, Driveways and Stables), Section 22-12 Specifications of Documents to be Submitted, Subsection 22-12.2 (Requirements).

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

That Chapter XXII (Development Regulations) shall be amended as follows:

CHAPTER XXII DEVELOPMENT REGULATIONS*

22-1 TITLE AND PURPOSE

No Change.

22-2 DEFINITIONS

22-2.1 Purpose through 22-2.3 Intent of Certain Terms and Words

No Change.

22-2.4 Definitions.

Certain words, phrases, and terms in this chapter are defined for the purpose herein as follows:

Accessory building, structure or use through ASTM

No Change.

~~*Attic, habitable shall mean an attic which has an approved stairway as a means of access and egress and in which the ceiling area at a minimum height of seven and one-third (7 1/3') feet above the attic floor is not more than one-third (1/3) the area of the next floor below.*~~

Attic, finished storage shall mean an attic which has an approved stairway as a means of access and egress and in which the ceiling area is at a maximum height of six and one-half (6.5) feet above the attic floor. The storage space may be insulated and sheetrocked, but cannot be conditioned space.

Attic, habitable shall mean an attic which has an approved stairway as a means of access and egress and in which the ceiling area is at a minimum height of seven (7) feet above the attic floor and is not more than one-third (1/3) the area of the next floor below, which is in accordance with the International Residential Code 2015 (IRC 2015).

Attic, unfinished shall mean an attic which may have a stairway or other means of access and egress and has unfinished space between the ceiling assembly and roof assembly, which is in accordance with the International Residential Code 2015 (IRC 2015).

Auction market through Dry Lines

No Change.

Dumpsters and Recycling Containers and Bins shall mean a container or bin made of steel or plastic to hold garbage or items to be recycled prior to disposal or pickup and removal from property. Such containers and bins shall only be used by and for the property on which they are stored.

Dwelling through Recreational Vehicle

No Change.

Recycling shall mean any product that is collected and then reused or resold or repurposed.

Residential Bungalow unit through Zoning Permit

No Change.

22-3 ADMINISTRATION

22-3.1 Planning Board through 22-3.2 Zoning Board of Adjustment

No Change.

22-3.3 Provisions Applicable to Both Municipal Agencies (Planning Board, Zoning Board of Adjustment).

a. Meetings through c. Hearings

No Change.

d. Notice Requirements for Hearing. Whenever public notice of a hearing is required on an application for development, the applicant shall give notice thereof at least ten (10) days prior to the date of the hearing in accordance with the following:

1. Public notice of a hearing on an application for development shall be given for all of the following:

(a) Appeal or variance pursuant to N.J.S.A. 40:55D-70.

(b) Directive for issuance of a building permit pursuant to N.J.S.A. 40:55D-34 or N.J.S.A. 40:55D-36.

(c) Conditional uses pursuant to N.J.S.A. 40:55D-67.

(d) Preliminary minor and major subdivision plats.

(e) Preliminary minor and major site plans.

2. through 12.

No Change.

e. Decisions through j. Time for Exercise of Variance.

No Change.

22-3.4 Certificates and Permits through 22-3.14 Fees

No Change.

22-4 PROCEDURE through 22-5 ZONING DISTRICT REGULATIONS

No Change.

22-6 CONDITIONAL USES

22-6.1 Purpose through 22-6.9 Accessory Units

No Change.

22-6.10 Restaurants.

Restaurants may be permitted as a conditional use in those zones specified provided that the use and buildings shall adhere to the minimum standards of the zone districts and to the requirements of this section:

- a. through i.

No Change.

j. Live Entertainment.

1. Indoor live entertainment limited to no more than three (3) days/nights per week and no later than 12:30 a.m.
2. Outdoor café live entertainment limited to acoustical and/or non-amplified singers and/or acoustic musicians limited to no more than three (3) days/nights per week and no later than 10:00 p.m.

22-6.11 Wireless Telecommunications Towers, Antennas, and Transmission Facilities on Non-Municipal Property

Wireless telecommunications antennas and towers may be allowed as a conditional use on property which is not owned, leased, or otherwise controlled by the Borough of Rumson, in accordance with the minimum standards of the zone district and the standards, regulations, and requirements set forth in this subsection, in those zones where public utilities are permitted as a principal or conditional use. Site plan approval shall be required prior to the installation of wireless telecommunications towers, antennas, and transmission facilities on non-Borough owned property and in Borough or County right-of-ways.

- a. through b.

No Change.

c. *Aesthetics.* Towers, ~~and~~ antennas and associated equipment and controls shall meet the following requirements:

1. through 3.

No Change.

- d. *Lighting* through s. *Conditions and Alternative Tower Structure.*

No Change.

- t. *Buildings or Other Equipment Storage.*

1. **Antennas Mounted on Structures or Rooftops.** Antennas mounted on buildings or existing elevated structures shall not extend ~~more than thirty (30') feet above the highest point of the building's roof or above the highest point of the structure beyond the permitted building height for the applicable zone.~~ more than thirty (30') feet above the highest point of the building's roof or above the highest point of the structure beyond the permitted building height for the applicable zone. The equipment cabinet or structure used in association with antennas shall comply with the following:

- (a) through (c)

No Change.

u. *Antennas Located on Towers, Utility Poles, or Light Poles* through v. *Removal of Abandoned Antennas and Towers.*

No Change.

22-7 GENERAL ZONING PROVISIONS

22-7.1 Purpose through 22-7.7 Yard Areas, Building Orientation, and Fenestration

No Change.

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.

- a. Accessory structures which are not subject to general yard requirements include:
 1. Any accessory structure subject to specific requirements set forth in Section 22-7.
 2. Bulkheads, piers and docks.
 3. Walls other than retaining walls, including decorative, screening, and landscaping walls, less than four (4') feet high.
 4. Residential accessory lighting, conforming to performance standards in subsections 22-7.22d, 12 and 13.
 5. Fountains, sculpture, and decorative ponds, less than four (4') feet high.
 6. Flagpoles conforming to height requirements subsection 22-7.12.
- b. Location of Accessory Buildings.
 1. An accessory building attached to a principal building shall comply in all respects with the zoning requirements for the principal building.
 2. Detached accessory buildings shall not be located in a front yard.
 3. Detached accessory buildings shall comply with Schedule 5-1, Zoning District Regulations, except that storage sheds less than ten (10') feet high with a floor area of less than one hundred (100) square feet may be located not less than five (5') feet from any side rear lot line.
- c. No detached accessory building, in any residential zone, shall be less than five (5') feet from a principal building.
- d. No accessory building or structure shall be constructed before the principal building.
- e. Removal of the principal building requires that all existing accessory buildings and structures are also removed. The administrative officer can waive this requirement, if there are no current variances of accessory buildings or structures and the new principal structure incorporates remaining accessory building or structures into final calculations, which shall not create new variances.
- f. Accessory buildings must be located on the same lot as the principal use to which they are accessory.
- g. 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 subsections 22-7.25 and 22-7.32.
- h. Limitation on Accessory Buildings.
 1. The aggregate ground floor area of all accessory buildings on a lot may not exceed the following percentage of the ground floor area of the principal dwelling (or, for nonresidential uses, of the total of all principal buildings);

<i>Zone</i>	<i>Percent</i>
R1, R2, R3	30%
R4, R5, R6 and Residential Uses in POB, NB, and GB Zones	40%
POB, NB, GB	50%
 2. Any single accessory building with ground-floor area equal to or greater than the following maximums must, notwithstanding any other provision of this chapter, conform to the minimum yard requirements for principal buildings:

<i>Zone</i>	<i>Maximum</i>
R1, R2, R3	1400 s.f.
R4, R5, R6 and Residential Uses in POB, NB, and GB Zones	500 s.f.
POB, NB, GB	200 s.f.

3. In the R1 and R2 Zones, the second floor of an accessory building may not have usable floor area greater than one-half (1/2) of the ground floor area. In all other zones, no useable floor area may exist above the ground floor.

4. Accessory buildings may not have cellars or basements.

5. Accessory buildings may not have heat.

i. No accessory building shall be used for residential purposes by any person or persons, including members of the family or the occupants of the principal building or domestic servants or others employed on the premises. No portion of any accessory building attached to a principal building by a connecting link may be used as living space. Any building element which connects portions of a building containing principal and accessory uses ~~and is less than fifteen (15') feet wide or has a length to width ratio greater than 4:1 or has a height to width ratio greater than 3:2~~ will be considered a connecting link which does not conform to the requirements of Paragraph (i1). Exceptions to the accessory building residential use limitations are:

1. Any building element which connects portions of a building containing principal and accessory uses and has a minimum width of fifteen (15') feet, length to width ratio greater than 4:1 (60 feet or less) height to width ratio greater than 3:2 (22.5 feet or less) of conditioned space will be considered part of the principal building.
2. Existing detached accessory buildings may convert the floor space above the garage parking area to a non-bedroom residential use for the occupants of the principal building. This space may be heated and air conditioned, minimum sanitary facilities and no cooking facilities. Accessory units that are so converted are subject to random inspections by the Borough in order to assure compliance with these regulations. Commercial or significant traffic generating businesses are prohibited.

The terms "residential purposes" and "living space" used in this subsection are to be broadly construed as including all normal residential use, excluding only accessory uses such as storage, utilities, mechanical equipment, parking, workshops, property maintenance activities, garden support facilities, animal facilities, weather shelters, and minimal sanitary facilities supporting outdoor activities.

~~i. Within a residential zone district, an entry driveway or a walkway may cross any yard area except that within the R-1, R-2, and R-3 Zone Districts, no driveway shall be within five (5') feet of a side yard line or within fifteen (15') feet of a rear yard line. Within a nonresidential zone district, entry driveways and walkways may cross any yard area; however, other than crossing yards, driveways shall adhere to the yard requirements for accessory structures. Walkways in a nonresidential zone may be located in a yard area but they shall not encroach into any required buffer.~~

j. A roofed, open sided or unroofed porch, deck, patio or similar structure attached to, or within five (5') feet of the principal building shall conform to the yard requirements as established in subsection 22-7.7f, otherwise, it shall adhere to the yard requirements for an accessory structure.

k. Maximum height of light fixtures accessory to single-family or two-family residential uses, shall not exceed nine (9') feet, in the R-1 and R-2 Zone Districts, nor six (6') feet in any other Zone District. Residential light fixtures shall conform to all standards established in this chapter including but not limited to, subsections 22-9.2 and 22-9.3.

22-7.9 Kitchens - Number Permitted through 22-7.11 Contiguous Lot Ownership

No Change.

22-7.12 Height Limitations.

a. No structure shall extend higher than the limit provided in each zone for building height.

b. No portion of any turret, spire, belfry or dome, or a cupola with a footprint greater than fifteen (15) square feet, or similar significant elements of any building, shall exceed the maximum height permitted by Schedule 5-2, determined by the major roof type of the building,

except that with regard to a place of worship, maximum height of such elements shall be controlled by the conditional use requirements of subsection 22-6.3.

c. The highest element of roof appurtenances usually carried above roof level, including, but not limited to, cupolas with a maximum footprint of fifteen (15) square feet, chimneys, ventilators, skylights, HVAC equipment, roof hatches, stair towers and elevator towers, may extend to a height not above the lesser of:

1. Four (4') feet greater than the height of the portion of the roof on which they are located, or

2. Four (4') feet above the maximum height permitted by Schedule 5-2, determined by the major roof type of the building, except:

(a) The total footprint of all roof appurtenances may not, in aggregate, exceed ten (10%) percent of the total horizontal roof area.

(b) Elements of insignificant cross-sectional area such as lightning rods, weather vanes, insect and bird screens, and wire antennas, will not be considered a roof appurtenance or an element of a roof appurtenance if they do not extend more than three (3') feet above the roof or above any permitted roof appurtenance.

(c) Noncommercial television and radio antennas are regulated by subsection 22-7.21.

(d) A flagpole for a single-family residential dwelling shall not exceed the following height requirements that shall be measured from existing grade:

35 feet – Residential zones R-3, R-4, R-5 and R-6

40 feet – Residential zones R-1 and R-2

Flagpoles shall be located not less than one-half (1/2) the required principal front or rear setback for the zone. Flagpoles must also conform to the required principal side setback for the zone, in accordance with Schedule 5-1 (Schedule of Zoning District Regulations). Waterfront properties may request administrative approval for flag poles to be closer to the waterfront, however, flag poles must maintain all side setback requirements as outlined in Schedule 5-1.

22-7.13 Riparian Grants through 22-7.25 Fences and Walls

No Change.

22-7.26 Parking, Garages, Driveways and Stables.

a. A private garage accessory to a principal building is permitted in any zone district.

b. In the R-1 and R-2 Zone Districts, garage doors shall be oriented so as not to be visible from a street frontage, river frontage, or public right-of-way. Generally, garages must face a side line or rear line except where permanently screened by portions of the principal structure.

~~c. No part of any garage shall be used for residential purposes.~~ Within a residential zone district, an entry driveway or a walkway may cross any yard area except that within the R-1, R-2, and R-3 Zone Districts, no driveway shall be within five (5') feet of a side yard line or within fifteen (15') feet of a rear yard line. Within a nonresidential zone district, entry driveways and walkways may cross any yard area; however, other than crossing yards, driveways shall adhere to the yard requirements for accessory structures. Walkways in a nonresidential zone may be located in a yard area but they shall not encroach into any required buffer.

d. through l.

No Change.

22-7.27 Soil Removal and Fill through 22-7.39 Basements/Cellars

No Change.

22-8 DESIGN GUIDELINES AND STANDARDS FOR SUBDIVISIONS AND SITE PLANS through 22-11 OFF-TRACT IMPROVEMENTS

22-12 SPECIFICATIONS OF DOCUMENTS TO BE SUBMITTED.

22-12.1 Purpose.

No Change.

22-12.2 Requirements.

The documents to be submitted are shown on the following pages. In specific cases and for documented reasons, the Municipal Agency may waive the submission of a particular document or require the submission of additional documents. The reasons for the waiver shall be indicated in the minutes of the Municipal Agency.

MAPS AND SCHEDULES

DOCUMENTS REQUIRED TO BE SUBMITTED

No Change.

**BOROUGH OF RUMSON
Environmental Impact Report**

No Change.

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

No Change.

SCHEDULE 5-1

SCHEDULE 5-1 NOTES:

(1) through (18)

No Change.

(19) ~~One half (1/2) of the area of the eaves, for eaves less than 24 inches in width, may be excluded from lot coverage and building coverage for single family dwellings. For eaves larger than twenty four (24") inches in width, half (1/2) of the first twenty four (24") inches of the eaves may be excluded from both lot coverage and building coverage.~~

Exclusions from lot and building coverage for permitted single-family dwellings:

- a. Eaves-First twelve (12") inches of the eave width may be excluded from the calculation of maximum lot and building coverage.
- b. Pergolas- Located on an approved patio, deck or terrace may exclude that portion of the pergola, which does not exceed 30% of the principal building ground floor area from the calculation of maximum building coverage.

(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 set back line and up to five (5') feet beyond the side and rear setback lines of a Residential Zone, but in no event shall be located closer than five (5') feet to a side or rear property line.

**SCHEDULE 5-2 SCHEDULE OF MAXIMUM PERMITTED BUILDING HEIGHT
(Subsection 22-5.1)**

through

**SCHEDULE 5-5 BOROUGH OF RUMSON — MAXIMUM PERMITTED LOT AND
BUILDING COVERAGE NONRESIDENTIAL ZONES
(EXCEPT SINGLE-FAMILY USES IN THE POB, GB & NB ZONES)**

No Change.

**SCHEDULE 7-1 BOROUGH OF RUMSON—Residential Recreation Facilities Setback
Required⁴**

through

**SCHEDULE 7-2 MAXIMUM HEIGHT RESTRICTIONS HEDGEROWS, FENCES,
WALLS AND RETAINING WALLS**

No Change.

ZONING MAP and Amendments

No Change.

SECTION 2

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 3

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 4

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

Introduced: August 15, 2017

Passed and Approved: October 10, 2017