

**Ordinance Introduced in First Reading August 13;  
Public Hearing Tuesday, September 10, 2024 at 7:30 p.m.**

**24-009 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, in the County of Monmouth and State of New Jersey that Chapter XXII (Development Regulations) of the General Ordinances of the Borough of Rumson is hereby amended or supplemented as follows:

**PURPOSE**

The purpose of this Ordinance is to Amend Chapter XXII (Development Regulations) by updating two attachments, amending sections 22-2.4 *Definitions*, 22-3.4a *Certificates and Permits*, 22-3.14 *Fees*, 22-5.7 *Regulations Controlling the R-4 Residential Zone District*, 22-5.8 *Regulations Controlling the R-5 Residential Zone District*, 22-5.9 *Regulations Controlling the R-6 Residential Zone District*, 22-7.8 *Accessory Buildings and Structures*, 22-7.26 *Parking, Garages, Driveways and Stables*, 22-7.27 *Soil Removal and Fill*, 22-9.2 *Improvement Standards*, 22-9.3 *Construction Specifications*, and adding 22-7.40 *Bulkheads, Docks and Piers*.

*Chapter XXII (Development Regulations) of the General Ordinances 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.**

That Chapter XXII, Development Regulations, shall be amended as follows:

**§ 22-1. TITLE AND PURPOSE.**

No Changes.

**§ 22-2. DEFINITIONS.**

**§ 22-2.1 PURPOSE through § 22-2.3 INTENT OF CERTAIN TERMS AND WORDS.**

No Changes

**§ 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 Changes.

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. The finished storage attic must be outside of the primary thermal envelope.

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, complies with the minimum area of a habitable room, and is not more than 1/3 the area of the next floor below, which is in accordance with the ~~International Residential Code 2015 (IRC 2015)~~ Adopted Model Code for The State of New Jersey. Habitable attics shall be

considered a half story and all finished attic space with a ceiling height of seven (7) feet or greater shall be counted in total floor area.

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)~~ Adopted Model Code for The State of New Jersey. The unfinished attic shall be outside the primary thermal envelope.

“AUCTION MARKET” through “BOAT”

No Changes.

BOATHOUSE – Shall mean an enclosed or partially enclosed accessory structure designed for the storage and/or maintenance of private watercraft. If multiple accessory uses are associated with the structure, the more stringent requirements govern (e.g. Cabana, Pool House).

“BOATYARD” through “BUSINESS OFFICE”

No Changes.

CABANA – Shall mean an accessory structure enclosed on no more than three sides (with or without windows or screens) with the main open side facing a pool or rear yard. A cabana has a solid roof and may have electricity and/or provisions for an external heat source (e.g. wood or gas burning fire place).

“CALIPER” through “GAS STATION”

No Changes.

GAZEBO – Shall mean an open air accessory structure with a solid roof. Removable sun shade or insect screening is permitted. A gazebo may have electricity and/or provisions for an external heat source (e.g. wood or gas burning fire place).

“GENETICALLY ENGINEERED MATERIAL” through “PAVMENT”

No Changes.

PAVILLION – See GAZEBO.

“PEEP SHOW” Through “PERFORMANCE GUARANTEE”

No Changes.

PERGOLA – Shall mean an open air accessory structure with a permanently open roof. Removable sun shades are permitted. A pergola may have electricity and/or provisions for an external heat source (e.g. wood or gas burning fire place). A permanently open roof is 50% open. A pergola with a louvered roof which can open or close to become solid shall be counted towards building coverage.

“PERSONAL SERVICES” through “PLAT, PRELIMINARY”

No Changes.

POOL HOUSE – Shall mean an enclosed or partially enclosed accessory structure associated with the customary use of a swimming pool. A cabana, gazebo, pavilion, pergola or other appurtenance attached to, or within 5’ of the pool house shall comply with all the provisions associated with a pool house.

“PRELIMINARY APPROVAL” through “STORY”

No Changes.

STORY, HALF - Shall mean that portion of a building under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2') feet above the floor of such half-story. Additionally, the floor area under a sloping roof in which the ceiling height is five (5) feet or less shall not occupy less than 40% of the total floor area directly beneath it. A basement and/or habitable attic shall also be included as a half-story.

“STREAM CORRIDORS” through “SWIMMING POOL, PUBLIC”

SYNTHETIC TURF – Shall mean any manmade product of various synthetic carpetlike materials made to resemble natural grass and used as lawn in residential or commercial uses. Synthetic turf shall count towards lot coverage and shall require a drainage system designed in accordance with Subsection 16-2 Stormwater Management and Control.

“TIDELANDS” through “ZONING PERMIT”

No Changes.

### **§ 22-3. ADMINISTRATION.**

**§ 22-3.1. PLANNING BOARD** through **§ 22-3.3. PROVISIONS APPLICABLE TO BOTH MUNICIPAL AGENCIES (PLANNING BOARD, ZONING BOARD OF ADJUSTMENT).**

### **§ 22-3.4. CERTIFICATES AND PERMITS.**

a. Development Permit.

1. – 2. No Changes.

3. The Administrative Officer (Zoning Officer) shall take action on a complete application for a development permit within ~~45~~ 10 business days of its submission.

4. – 5. No Changes.

b. – e. No Changes.

### **§ 22-3.5. RECORDS** through **§ 22-3.13. COPY TO BE FILED WITH COUNTY PLANNING BOARD.**

### **§ 22-3.14. FEES.**

a. – l. No Changes.

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 50% of the nonrefundable application fees posted pursuant to subsection 22-3.14.m. 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. Within 45 days after filing of an application for development, the Municipal Agency may, in conjunction with appropriate representatives of the staff of the Borough review an application for development to determine whether the escrow amount set forth in subsection 22-3.14.m. 6 hereof is required and/or adequate. In conducting such review, the Municipal Agency shall consider the following criteria:
  - (a) The presence or absence of public water and/or sewer servicing the site.
  - (b) Environmental considerations, including but not limited to geological, hydrological and ecological factors.

- (c) Traffic impact of the proposed development.
- (d) Impact of the proposed development on existing aquifer and/or water quality.
- (e) Unusual features of the application including design complications, alternates, multiple revisions, uniqueness of designs and other factors.

Upon completion of the review and within the 45 day period, the Municipal Agency shall adopt a resolution specifying whether the escrow amount specified is required and/ or sufficient, excessive or insufficient. In the event the Municipal Agency shall determine that the amount is excessive, it shall in the resolution, specify the amount that shall be deemed sufficient, including a specification, if appropriate, that no escrow be posted. The Municipal Agency's failure to adopt a resolution within the 45 day period, or such extension as may be consented to by the applicant, shall be considered a determination that no escrow is required. A determination that no escrow is required shall not prevent the Municipal Agency from requiring an escrow upon a future revision or amendment of an application or upon a finding by the Municipal Agency that information disclosed subsequent to the original 45 day period requires the provision of an escrow. In the event the Municipal Agency shall determine the amount specified above is insufficient, it shall so specify and shall set forth the amount required to be posted in light of the criteria specified herein. Prior to an application being determined complete, the applicant shall post the required escrow amount as set forth in the Municipal Agency's resolution as provided for above, with the Administrative Officer in the form of cash, certified check or money order.

3. – 5. No Changes

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:

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

(b.) Commercial Development

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

Based on Floor Area	Escrow
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
Based on Parking Spaces	Escrow
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

~~\$150 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.~~

(c.) Development applications requiring Zoning Board of Adjustment Variance Relief, which do not meet the escrow provisions of 3.14.m.6.A or B, shall post an initial escrow deposit of \$1,500.00.

(d.) \$150 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. – bb. No Changes

#### **§ 22-4. PROCEDURE.**

No Changes.

#### **§ 22-5. ZONING DISTRICT REGULATIONS.**

##### **§ 22-5.1. ZONING MAP AND SCHEDULE through § 22-5.6. REGULATIONS CONTROLLING THE R-3 RESIDENTIAL ZONE DISTRICT.**

##### **§ 22-5.7. REGULATIONS CONTROLLING THE R-4 RESIDENTIAL ZONE DISTRICT.**

a. No Changes

b. Required Accessory Uses or Structures.

1. – 3. No Changes

4. Swimming pools shall be permitted, however in no event shall a pool be of the above ground type.

c. – e. No Changes

##### **§ 22-5.8. REGULATIONS CONTROLLING THE R-5 RESIDENTIAL ZONE DISTRICT.**

a. No Changes

b. Required Accessory Uses.

1. – 3. No Changes

4. Swimming pools shall be permitted, however in no event shall a pool be of the above ground type.

c. – e. No Changes

##### **§ 22-5.9. REGULATIONS CONTROLLING THE R-6 RESIDENTIAL ZONE DISTRICT.**

a. No Changes

b. Required Accessory Uses.

1. – 3. No Changes

4. Swimming pools shall be permitted, however in no event shall a pool be of the above ground type.

c. – e. No Changes

**§ 22-5.10. REGULATIONS CONTROLLING THE PROFESSIONAL OFFICE BUILDING (POB) ZONE DISTRICT through § 22-5.25. WEST RIVER ROAD AFFORDABLE HOUSING-2 (AH-2).**

No Changes.

**§ 22-6. CONDITIONAL USES.**

No Changes.

**§ 22-7. GENERAL ZONING PROVISIONS.**

**§ 22-7.1. PURPOSE through § 22-7.6. FRONTAGE ON IMPROVED STREET REQUIRED.**

No Changes.

**§ 22-7.7. YARD AREAS, BUILDING ORIENTATION, AND FENESTRATION.**

a. – g. No Changes.

h. Intrusion into the required setback (yard) shall be measured from the face of the building foundation wall and be limited to:

1. – 5. No Changes

6. For emergency escape and egress windows, three (3') feet with appropriately designed fall protection.

i. – l. No Changes

**§ 22-7.8. ACCESSORY BUILDINGS AND STRUCTURES.**

a. – g. No Changes

h. Limitations on Accessory Buildings.

1. – 4. No Changes

5. Accessory buildings and structures shall conform to the height requirements of Schedule 5-2.

i. k. No Changes.

**§ 22-7.9. (Reserved) through § 22-7.25. FENCES AND WALLS.**

No changes.

**§ 22-7.26. PARKING, GARAGES, DRIVEWAYS AND STABLES.**

a. – d. No Changes.

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 car attached or detached garage shall be 260 square feet. That portion of the floor area of detached garages, equal to the lesser of 50% of the garage floor area or 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 17-2.2 Establishment of Flood Hazard Area; and 2) used for parking or storage only, shall not be considered in determining floor area.

f. – l. No Changes.

#### **§ 22-7.27. SOIL REMOVAL AND FILL.**

a. – b. No Changes

c. Unless otherwise permitted by the Municipal Agency, the Construction Official or his designee, a grading plan and/or accompanying information must conform to the following minimum standards:

1. – 6. No Changes.

7. ~~If the project is subject to the Tree Protection Ordinance,~~ The grading plan must show the locations of all existing trees and street trees referred to in subsections 16-1.4a, of the Tree Protection Ordinance. If street trees are not present, the plan shall reflect locations of proposed street trees at a fifty (50') foot interval to be located within ten (10') feet of the road edge and not between the curb and sidewalk, or in a location approved by the Tree Conservation Officer or the Rumson Shade Tree Commission.

8. – 15.

d. – f.

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

Prior to lot clearing (or tree removal) to ensure adequate tree protection measures in accordance with Subsection 16-1.9

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.

h. – i. No Changes.

#### **§ 22-7.28. RESIDENTIAL RECREATIONAL FACILITIES through § 22-7.39. BASEMENTS/CELLARS.**

##### § 22-7.40 Bulkheads, Docks and Piers

a. The applicant must supply the Borough with copies of all approved environmental permitting necessary to construct the project including but not limited to Army Corp of Engineers and

New Jersey Department of Environmental Protection. The applicant may supply the Borough with Letters of No Interest from the regulatory agency or signed and sealed reports prepared by an environmental permitting consultant or professional engineer identifying the project is not subject to environmental permitting in part or in whole.

- b. The applicant's plan submittal to the Borough must be of sufficient detail to demonstrate compliance with applicable Ordinance requirements including but not limited to Chapter 8 Building and Housing, Chapter 16-2 Stormwater Management and Control, Chapter 17 Floodplain Management, and Chapter 22 Development Regulations. Penetrations through a bulkhead shall accommodate provisions to prevent tidal inundation either by physical grade or mechanical components to a minimum elevation equal to the base flood elevation as set forth in subsection 17-2.2 Establishment of Flood Hazard Area, unless a waiver is obtained from the Borough Engineer or Floodplain Manager.
- c. The design of bulkheads, docks and piers shall be completed in accordance applicable industry standards using environmentally suitable and long lasting materials.
- d. When the proposed work consists of substantial reconstruction or replacement in part or in whole of an existing bulkhead or construction of a new bulkhead, the top of bulkhead elevation at a minimum shall equal the base flood elevation as set forth in subsection 17-2.2 Establishment of Flood Hazard Area, unless a waiver is obtained from the Borough Engineer or Floodplain Manager. Special considerations to the issuance of a waiver shall be given in regard to surrounding grade, connection to adjoining structures, and impact to surrounding properties and Borough right-of-way.
- e. Prior to the issuance of a certificate of occupancy, certificate of compliance or the close-out of any Construction Permits, the applicant shall provide the Borough with an as-built survey prepared by a New Jersey Licensed Professional Surveyor showing the finished improvements. The applicant shall also submit a report signed and sealed by a New Jersey Licensed Professional Engineer that the construction of the improvements substantially conform to the approved plans. Any field deviations shall be noted either on the as-built survey or within the engineer's report.

## **§ 22-8. DESIGN GUIDELINES AND STANDARDS FOR SUBDIVISIONS AND SITE PLANS.**

No Changes.

## **§ 22-9. IMPROVEMENT STANDARDS, SPECIFIC CRITERIA AND CONSTRUCTION SPECIFICATIONS**

### **§ 22-9.1. PURPOSE**

No Changes.

### **§ 22-9.2. IMPROVEMENT STANDARDS.**

#### a. Streets

1. – 5. No Changes.

#### 6. Sidewalks

(a) – (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.~~ Public sidewalks, shared use paths, and other pedestrian circulation paths must comply with the Access Board's Pedestrian Access Route requirements.

(g). No Changes.

7. – 14. No Changes.



b. – d. No Changes.

e. Sanitary Sewers.

1. No Changes.

2. System Planning, Design and Placement.

(a) – (b). No Changes.

(c) Average daily ~~residential~~ sewer flow shall be the greater value as calculated as shown in Exhibit 9-7 of this section or N.J.A.C. 7:14A-23.3 Projected Flow Criteria.

(d). No Changes.

f. No Changes.

### § 22-9.3. CONSTRUCTION SPECIFICATIONS.

Where there is a question as to a specific requirement, the "Standard Specifications of N.J.D.O.T. Road and Bridge Construction" shall apply.

a. – e. No Changes

f. Stormwater Management: System Demand Strategy, and Design.

1. Stormwater Management; System Demand. Stormwater management systems shall comply with the specifications set forth in this chapter as well as the provisions in Chapter 16, Environmental Protection, Section 16-2 Stormwater Management and Control. In the case of conflicting regulations, the requirement of Chapter 16, Environmental Protection Section 16-2, Stormwater Management and Control shall govern.

(a) – (d). No Changes.

2. No Changes.

3. Stormwater Management; System Design—Pipe Capacity, Materials and Placement.

(a) – (d). No Changes

(e) Materials used in the construction of storm sewers shall be constructed of reinforced concrete, ductile iron, ~~corrugated aluminum~~ polyvinyl chloride (PVC), or ~~corrugated steel~~ high density polyethylene (HDPE). In normal circumstances, reinforced concrete pipe is preferred. Use of other types shall be justified by the designer and approved by the Engineer. Specifications referred to, such as ASA, ASTM, AWWA, etc., should be the latest revision.

(1) – (2) No Changes.

(3) ~~Corrugated Aluminum Pipe. Within the public right of way and where severe topographic conditions or the desire to minimize the destruction of trees and vegetation exists, corrugated aluminum pipe, pipe arch or helical corrugated pipe may be used. The material used shall comply with the Standard Specifications for Corrugated Aluminum Alloy Culvert and Under Drains AASHTO designation M196 or the Standard Specification for Aluminum Alloy Helical Pipe AASHTO designation M-211. The minimum thickness of the aluminum pipe to be used shall be: less than twenty four (24") inch diameter or equivalent, seventy five thousandths (.075") inch (fourteen gauge); twenty four (24") inch diameter and less than forty eight (48") inch diameter or equivalent, one hundred five~~

~~thousandths (.105") inch (twelve gauge); forty-eight (48") inch but less than seventy-two (72") inch diameter or equivalent, one hundred thirty-five thousandths (.135") inch (ten gauge); and seventy-two (72") inch diameter or equivalent and larger, one hundred sixty-four thousandths (.164") inch (eight gauge) Polyvinyl Chloride (PVC) Pipe may be utilized within the public right-of way when conditions permit with prior approval from the Borough Engineer. PVC Pipe shall comply with material and installation requirements of "Standard Specifications of N.J.D.O.T. Road and Bridge Construction" latest edition.~~

~~(4) Corrugated steel pipe may be used in place of corrugated aluminum and shall meet the requirements of AASHTO Specification M-36. Coupling bands and special sections shall also conform to AASHTO M-36. All corrugated steel pipe shall be bituminous coated in accordance with AASHTO M-190, Type A minimum High Density Polyethylene (HDPE) Pipe may be utilized within the public right-of way when conditions permit with prior approval from the Borough Engineer. HDPE Pipe shall comply with material and installation requirements of "Standard Specifications of N.J.D.O.T. Road and Bridge Construction" latest edition.~~

(f) – (g). No Changes

4. – 12. No Changes

**§ 22-10. GUARANTEES AND INSPECTIONS through § 22-12. SPECIFICATIONS OF DOCUMENTS TO BE SUBMITTED.**

No Changes.

**Attachments:**

Attachment 1 – Attachment 3. No Changes.

~~Attachment 4 – Does Reqd~~

Attachment 4 – [Docs Reqd](#)

~~Attachment 5 – Does Reqd~~

Attachment 5 – [Docs Reqd](#)

**SECTION 2.**

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.**

This ordinance shall take effect upon final passage and publication according to law.

Introduced:

Passed and Approved:

I hereby approve of the passing of this ordinance.

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Joseph K. Hemphill  
Mayor

Attest:

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Thomas S. Rogers  
Municipal Clerk/Administrator