

09-014 D

**AN ORDINANCE AMENDING CHAPTER XXII OF THE CODE OF
THE BOROUGH OF RUMSON (THE DEVELOPMENT
REGULATIONS OF THE BOROUGH OF RUMSON)
TO AMEND CERTAIN GENERAL ZONING PROVISIONS.**

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 definitions and general zoning provisions to eliminate the inconsistency in the permitted fence height as it relates to lots bordering on a river and to modify the requirement related to fences, walls and hedges.

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, Section 22-2.4 (Definitions) shall be amended as follows:

Fence, open shall mean a fence in which at least ~~two-thirds (2/3)~~ one-half (1/2) of the area, between grade level and a line connecting the highest elements of the fence, excluding decorative post caps, is open.

Fence, picket shall mean a traditional-style fence composed of semi-pointed stakes, between one (1") inch and four (4") inches wide, connected by two (2) horizontal members in which at least one-half (1/2) of the area, between grade level and a line connecting the points of the pickets, is open.

SECTION 2

Chapter XXII Development Regulations, Section 7 (General Zoning Provision), Subsection 22-7.25 (Fence and Walls), Schedule 7-2 (Maximum Height Restrictions Hedgerows, Fences and Walls) shall be amended, as follows:

**Schedule 7-2
Maximum Height Restrictions
Hedgerows, Fences and Walls
(Subsection 22-7.25)**

	Within Clear Sight Area	R-1, R-2, R-3 Zone Districts Outside of Clear Sight Area	All Other Zone Districts Outside of Clear Sight Area
Hedgerows	30"	Not regulated if in compliance with subsection 22-7.25 b	Not regulated if in compliance with subsection 22-7.25 b
Open <u>and Picket</u> Fences	30"	6' (72") anywhere except 36" <u>48"</u> in "required river setback" per subsection 22-7.32b,2	36" <u>48"</u> in required front yard or between principal structure and street 36" <u>48"</u> in "required river setback" per subsection 22-7.32b,2 48" in required secondary front

		yard or between principal structure and secondary front yard street frontage (see subsection 22-7.4) 6' (72") elsewhere
Picket Fences	30"	48" in required front yard or between principal structure and street 48" in required river setback per subsection 22-7.32b,2 6' (72") elsewhere
Walls and other fences (not open or picket)	30"	36" in required front yard or between principal structure and street 36" in required river setback per subsection 22-7.32b,2 48" in required secondary front yard or between principal structure and secondary front yard street frontage (see subsection 22-7.4) 6' (72") elsewhere

SECTION 3

Chapter XXII Development Regulations, Section 7 (General Zoning Provision), Subsection 22-7.32 (Lots Bordering on a River) shall be amended as follows:

22-7.32 Lots Bordering on a River.

These provisions shall apply to lots abutting a river or other navigable waterway.

- a. No Change.
- b. No Change.
- c. No Change.

d. In all zones fronting on a river, the height of hedges, screen plantings, or walls or fences shall in no event exceed three (3') feet within the required river setback; provided, however, this section shall not be construed to prohibit the planting of shade or ornamental trees either individually or in small groupings. The height of fences within the required river setback shall be in accordance with Subsection 22-7.25, Schedule 7-2.

SECTION 4

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 5

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 6

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

Introduced: August 25, 2009.

Passed and Approved: October 13, 2009.

I hereby approve of the
passing of this ordinance.

John E. Ekdahl
Mayor

Attest:

Thomas S. Rogers
Municipal Clerk/Administrator