

**BOROUGH OF RUMSON
COUNTY OF MONMOUTH**

AN ORDINANCE AMENDING CHAPTER XXII OF THE CODE OF THE BOROUGH OF RUMSON (THE DEVELOPMENT REGULATIONS OF THE BOROUGH OF RUMSON) TO AMEND CERTAIN ADMINISTRATIVE PROVISIONS AND DESIGN STANDARDS

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 revise fees and implement portions of the recommendations of the Stormwater Management Plan Master Plan Element adopted on February 7, 2005. The ordinance amends certain administrative provision, and design standards, including changes to Subsection 22-9.2.f regarding stormwater management and provided a cross referenced to the environmental regulations in Chapter 16 (Environmental Protection) of the Borough Code.

Chapter XXII, Development Regulations, of the code of the Borough of Rumson is hereby amended or supplemented as follows (new text is 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

Subsection 22-3.4.a.5 shall be amended to provide:

5. Prior to the issuance of a Development permit, the applicant shall have:
 - (a) Secured all approvals required by this Chapter; and
 - (b) Met all applicable conditions of any Municipal Agency approval; and
 - (c) Demonstrated compliance with all provisions of Chapter 16 of the Code of the Borough of Rumson including Section 1 (Tree Protection) and Section 2 (Stormwater Management and Control).

SECTION 2

Subsection 22-3.14, Fees, shall be amended to add:

Y. Recovery of Borough Costs Related to Inaccurate Submissions:

1. The Zoning Officer or Administrative Officer, who may seek the advice and assistance of the Borough Engineer and/or Construction Official, may review and check the accuracy of any application for development.
2. The cost of such review and checking, in relation to applications for development which involve a site plan, subdivision or variance application, shall be borne by the applicant in accordance with this subsection 22-3.14.
3. The cost of such review and checking in relation to other applications for development shall not be the responsibility of the applicant if no material errors are uncovered.
4. If material errors which require revisions and/or resubmissions are uncovered, the entire cost of such review and checking and the cost of reviewing subsequent revised submissions shall be borne by the applicant in accord with the provisions of Subsection 22-3.14, L, and the Zoning Officer or Administrative Officer shall not issue any approval until any required escrow is provided and any escrow deficiency is eliminated.

SECTION 3

Subsection 22-3.14, Fees, shall be amended to add:

Z. Stormwater Management and Control Fees:

1. When determining subdivision or site plan review and inspection fees required by subsections 22-3.14.1, m or n, the Administrative Officer or Municipal Agency may consider the extent, nature and cost of the effort required to comply with Chapter 16, Section 2, Stormwater Management and Control, of the Code of the Borough of Rumson.
2. When reviewing a development permit application for development which is subject to the provisions of Chapter 16, Section 2, Stormwater Management and Control, of the Code of the Borough of Rumson and exceeds the Stormwater Management Thresholds contained in Subsection 16-2.2, c, 2, but does not involve a site plan or subdivision, the Administrative Officer and/or Zoning Officer shall determine fees in the same manner as fees would be determined for site plans pursuant to Subsections 22-3.14, 1, m or n including provision of refundable escrow fees when appropriate.

SECTION 4

Amend Subsection 22-8, b, Subdivision and Site Design, by adding:

6. Design to achieve Stormwater Management in compliance with Chapter 16, Section 2, Stormwater Management and Control, of the Code of the Borough of Rumson.

SECTION 5

Subsection 22-9.2.f (Stormwater Management) is amended as follows:

7. Purpose.
 - (a) It is hereby determined that the waterways within the borough of Rumson are at times subjected to flooding; that such flooding is a danger to the lives and property of the public; that such flooding is also a danger to the natural resources of the Borough of Rumson, the County and the State; that development tends to accentuate flooding by increasing stormwater runoff, due to alteration of the hydrologic response of the watershed in changing from the undeveloped to the developed condition; that such increased flooding produced by the development of real property contributes increased quantities of water borne pollutants, and tends to increase channel erosion; that such increased flooding, increased erosion and increased pollution constitutes deterioration of the water resources of the Borough of Rumson, the County and the States, and that such increased flooding, increased erosion and increased pollution can be controlled to some extent by the regulation of storm water runoff from such development. It is therefore, determined the it is in the public interest to regulate the development of real property to establish the standards to regulate the additional discharge of stormwater runoff from such developments as provided in this chapter as well as in Chapter 16 (Environmental Protection) Section 2 (Stormwater Management and Control).
 - (b) *No Change*
 - (c) *No Change*
8. System Strategy and Design
 - (a) Storm water management systems strategy and design shall comply with the specifications set forth in the construction specification (Subsection 22-9.3.f of this chapter) as well as the provisions in Chapter 16 (Environmental Protection) Section 2 (Stormwater Management and Control). In the case of conflicting regulations, the requirement of Chapter 16 (Environmental Protection) Section 2 (Stormwater Management and Control) shall govern.
9. *Deleted*

SECTION 6

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.

SECTION 7

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8

The Borough Clerk is hereby directed, upon adoption of this 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 9

Section 2 of this ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board. Sections 1, 3, 4 and 5 of this Ordinance shall take effect immediately upon approval of this Ordinance by the County Review Agency or sixty (60) days from the receipt of this Ordinance by the County Review Agency if the County Review Agency should fail to act.

Introduced: November 10, 2005.

Passed and Approved: December 15, 2005.

I hereby approve of the
passing of this ordinance.

John E. Ekdahl
Mayor

Attest:

Thomas S. Rogers
Borough Clerk/Administrator