

BOROUGH OF ROCKLEIGH

ORDINANCE NO. 2021-6

AN ORDINANCE TO AMEND CHAPTER XXXIV OF THE CODE OF THE BOROUGH OF ROCKLEIGH ENTITLED, "ZONING".

BE IT ORDAINED by the Mayor and Council of the Borough of Rockleigh, in the County of Bergen, and State of New Jersey as follows:

SECTION 1.

Chapter XXXIV of the Code of the Borough of Rockleigh, Zoning, Article III, Classification of Uses, §34-6, A Zone--Single-Family Residential, Subsection 34-6.2, Accessory Buildings, be and is hereby amended to add the following:

34-6.2 Accessory Buildings.

c. **Swimming Pools.**

A swimming pool, pool patio, pool decking, and pool walkways are permitted to be constructed on a residential lot without Planning Board review, subject to the following conditions being satisfied:

1. The swimming pool, pool patio, pool decking, and pool walkways shall not be visible from any municipal roadway or right-of-way.
2. The swimming pool, pool patio, pool decking, and pool walkways shall be constructed of materials deemed acceptable by the Rockleigh Historic Preservation Commission (HPC).
3. The swimming pool, pool patio, pool decking, and pool walkways shall be considered a structure for coverage in excess of 1,400 square feet in area. The swimming pool, pool patio, pool decking, and pool walkways in excess of 1,400 square feet in area shall be included in the aggregate ground area of all buildings and structures on any lot in the A Zone which in the aggregate shall not exceed five (5%) percent of the lot.
4. The swimming pool, pool patio, pool decking, and pool walkways up to 1,400 square feet in area shall not be included in the aggregate ground area for buildings and structures, subject to the condition set forth in Section c(5).

5. The pool decking and patio must be contiguous to the in-ground pool to be included within the 1,400 square foot exclusion for the swimming pool, pool patio, and pool decking.
6. The swimming pool, pool patio, pool decking, and pool walkways shall satisfy all other A Zone bulk requirements not specifically listed in this Ordinance including but not limited to accessory structure setbacks.
7. The swimming pool, pool patio, pool decking, and pool walkways shall be constructed so that no negative drainage impacts are created for adjoining lots, municipal roadways, and municipal rights-of-way.
8. The property owner/applicant shall be required to supply a survey, plans and calculations to illustrate bulk requirement conformance. This would include but not be limited to structure coverage calculations per the Borough's Ordinances.
9. The Construction Code Official shall determine if all requirements, including all requirements pursuant to the Application are met. Should all requirements be met, the submission package will be provided to the Borough Engineer for review and approval prior to construction permit issuance for the pool project. Upon review, the Borough Engineer shall either recommend issuance of a Construction Permit or non-issuance of a Construction Permit. In the event non-issuance is recommended by the Borough Engineer, the Borough engineer shall provide appropriate information to the Applicant describing why the Applicant has not met all requirements. The Construction Code Official shall exercise his duties in accord with recommendations of the Borough engineer.

Should the property owner/applicant fail to satisfy all conditions within this Ordinance, the applicant will be required to submit application(s) for review by the Planning Board.

The Application for Residential Swimming Pool Review is incorporated as part of this Ordinance.

SECTION 2. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy in which such judgment was rendered.

SECTION 3. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION 4. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

ROBERT R. SCHAFFER, Mayor

**MARCELLA GIAMPICCOLO,
Borough Clerk**

Introduced: June 7, 2021

Adopted:

Approve: