Chapter 190

LAND USE AND DEVELOPMENT

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[HISTORY: Adopted by the Village Council of the Village of Ridgewood 4-9-1996 by Ord. No. 2561.[1] Amendments noted where applicable.]

GENERAL REFERENCES

Historic Preservation Commission — See Ch. 29.

Condominium conversion — See Ch. 123.

Uniform construction codes — See Ch. 125.

Fees — See Ch. 145.

Flood damage prevention — See Ch. 154.

Housing standards — See Ch. 175.

Property maintenance — See Ch. 223.

Sewers and sewage disposal — See Ch. 238.

Soil removal — See Ch. 246.

Streets and sidewalks — See Ch. 249.

Swimming pools — See Ch. 251.

Trees and shrubs — See Ch. 260.

1. **Editor's Note: This ordinance also repealed former Ch. 190, Land Use and Development, adopted 12-26-1978 by Ord. No. 1695, as amended.**

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ARTICLE I
Purpose and Scope

§ 190-1. Purpose.

It is the intent and purpose of this chapter to:

A. Encourage action to guide the appropriate use or development of all lands in the Village, in a manner which will promote the public health, safety, morals and general welfare.

B. Secure safety from fire, flood, panic and other natural and man-made disasters.

C. Provide adequate light, air and open space.

D. Ensure that the development of Ridgewood does not conflict with the development and general welfare of neighboring municipalities.

E. Promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods and the entire municipality as well as the preservation of the environment.

F. Encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.

G. Provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements.

H. Encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.

I. Promote a desirable visual environment through creative development techniques and good civic design and arrangements.

J. Promote the conservation of historic sites and districts, open space, energy resources and to prevent the degradation of the environment, including but not limited to the air, water and visual environment, through improper use of land.

K. Encourage diverse types of housing construction.

L. Establish orderly and uniform procedures relating to land use and development regulation.

M. Promote utilization of renewable energy sources.

N. Promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste.

§ 190-2. Scope.

The scope of this chapter as it relates to other laws, ordinances, regulations, rules or other restrictions is as follows:

A. This chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those repealed expressly or by necessary implication

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hereby, or to affect any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.

B. Where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or coverage by above-grade structures or improvements or requires greater lot area or longer yards or other open spaces than are imposed or required by such rules, regulations or permits or by such private restrictions, the provisions of this chapter shall control. **[Amended 6-7-1999 by Ord. No. 2670]**

C. Municipal uses and facilities. All uses and facilities of the Village of Ridgewood shall be permitted in all zone districts in the Village, and shall be exempt from the regulations of this chapter. This provision shall apply to and include, but not be limited to, all facilities owned and operated by the various departments of the Village government and administration, including but not limited to the Ridgewood Water Department. **[Added 2-8-2017 by Ord. No. 3579]**

D. Public utilities within the street right-of-way. All public utility facilities owned, operated, leased and/or authorized by the Village of Ridgewood within the right-of-way of public streets shall be permitted in all zone districts in the Village and shall be exempt from the regulations of this chapter; provided, however, that public utility structures located within the street right-of-way constructed to serve uses and structures on private property shall be required to comply with the requirements for site plans and subdivisions in this chapter. **[Added 2-8-2017 by Ord. No. 3579]**

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ARTICLE II
Definitions

§ 190-3. Definitions; word usage.

For the purpose of this chapter, the following words and phrases shall have the meanings described below, unless the context clearly indicates a different meaning. The term "shall" indicates a mandatory requirement, and the term "may" indicates a permissive action.

ABOVE-GRADE STRUCTURE — Any building, roofed structure or other structure which has a height above the ground of at least one foot. If only part of said structure is one foot or higher above the ground, then only that part shall be considered an "above-grade structure." This definition shall include, but is not necessarily limited to, swimming pools, hot tubs, ornamental pools, porches, decks, balconies, tanks, fireplaces and barbecue pits, roofed arbors and trellises, any or all of which are located above grade, as defined herein. Notwithstanding the above, the following shall not be construed to be above-grade structures for the purposes of this chapter: fences, freestanding or retaining walls and the earth retained by such walls, flagpoles, mail boxes, signs and lawn ornaments.**[Amended 2-11-2004 by Ord. No. 2862]**

ACCESSORY BUILDING OR STRUCTURE — A building or structure on the same lot with and subordinate to a principal building, occupied or devoted exclusively to an accessory use. Where an accessory building is integrated into the principal building, as with an attached garage having access between the garage and the principal building, such accessory building shall be considered part of the principal building. Notwithstanding the above, a structure shall be construed as being accessory to a principal use or structure although it is located on a different lot than said principal use or structure, when such location is specifically permitted by this chapter.**[Amended 2-11-2004 by Ord. No. 2862]**

ACCESSORY USE — A use customarily incidental and subordinate to the principal use upon any premises.

ADVERTISE — When used in reference to signs, the giving or attempting or intending to give any notice or information or any activity which gives or attempts to give or intends to give notice, information or warning.

AFFORDABLE — Having a sales price or rent within the means of a low-or moderate-income household as defined in N.J.A.C. 5:93-7.4, as may be amended; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.**[Added 5-12-2004 by Ord. No. 2891; amended 3-23-2016 by Ord. No. 3493]**

ALTER; ALTERATION — "Alter" means any action which changes or modifies in a perceptible manner any aspect of development which is regulated by this chapter. "Alteration" means the result of any such action.

ALTERATION, STRUCTURAL — Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, interior partitions, as well as any change in doors or windows, or any addition to or diminution of the dimensions or configurations of the roof or exterior walls of a building.

AMATEUR RADIO STATION — A noncommercial facility involving the arrangement of wires or metal rods used in the sending and receiving of electromagnetic waves, and including any support structures, and operating in the Amateur Radio service under license by the Federal Communications Commission.**[Added 10-13-1998 by Ord. No. 2643]**

AMENDED APPROVAL — An action of the Planning Board or Board of Adjustment, as applicable, that

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amends the subject, terms and/or conditions of a prior approval and which occurs prior to the issuance of a certificate of occupancy, certificate of continued occupancy, the filing of a subdivision plat or deed with the county recording officer, or any other perfection of the such prior approval. Amended approval is by resolution of the Board and involves only minor modifications from the original application. Applications that, in the opinion of the reviewing board, deviate substantially from the initial application are not properly the subject of amended approval; rather, such applications are to be considered new applications and are subject to the same requirements for approval as if there had been no prior approval.**[Added 7-18-2007 by Ord. No. 3066]**

APARTMENT — One or more dwelling rooms, with private bath and kitchen facilities, comprising an independent self-contained dwelling unit in a larger building.

APPLICANT — Any developer submitting an application for development.

APPLICATION FOR DEVELOPMENT — The application form and all accompanying documents required by this chapter for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction for the issuance of a permit pursuant to § 190-31 or 190-32.

AREA OF SIGN — The area within a line drawn around the surface of a sign, including all decorations, but excluding any supports, whether decorative or not, and in computing sign area, the area of all surfaces used or employed or designed for use as a sign for sign purposes shall be included and totaled.

AREA OF SPECIAL FLOOD HAZARD/SPECIAL FLOOD HAZARD AREA — The land in the floodplain subject to a one-percent or greater chance of flooding in any given year.

ARTS FACILITIES — Venues for the performing, visual, or other arts which include, but are not limited to live performance theaters, movie theaters, galleries, museums, and other similar spaces. Educational and recreational activities, and retail sales are a customary part of these uses.**[Added 6-12-2024 by Ord. No. 4002]**

ATTIC — The open, nonhabitable space between the ceiling beams of the top habitable story and the roof rafters in any building.

AUTOMOBILE SALES — A facility offering new or used automobiles, trucks, motorcycles, and other similar vehicles for sale with an on-site inventory of vehicles, which may include the sale of parts and accessories and service facilities as an accessory use.**[Added 6-12-2024 by Ord. No. 4002]**

AUTOMOBILE SHOWROOM — A facility offering indoor display and sale of vehicles with no outdoor parking or storage of vehicles for sale. Such facilities may offer vehicles for sale that can be ordered for future delivery or a limited stock of specialized or vintage inventory stored exclusively within the enclosed showroom. Automobile showrooms do not include the sale of parts or service facilities.**[Added 6-12-2024 by Ord. No. 4002]**

AWNING — A lightweight roof-like cover made of fabric over a frame, which projects from the wall of a building, the purposes for which may include the shielding of a doorway, window or sidewalk from the elements and, when permitted, the display of signs.**[Amended 4-12-2017 by Ord. No. 3591]**

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT — An interior space or a portion of an interior space having a floor level at least three feet below the average elevation of the finished ground level at the foundation wall of the structure in which it is contained.**[Amended 10-10-2007 by Ord. No. 3083; 5-14-2008 by Ord. No. 3120]**

BLADE SIGN — A type of projecting sign mounted on a building facade or storefront pole or attached to a surface perpendicular to the normal flow of traffic.**[Added 6-13-2018 by Ord. No. 3647]**

BREW PUB (AKA RESTRICTED BREWERY) — A hybrid commercial and manufacturing

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establishment, commonly known as a brew pub, that brews any malt alcoholic beverage in quantities for which it is licensed by the Alcoholic Beverage Commission as a restricted brewery pursuant to N.J.S.A. 33:1-10.**[Added 12-13-2023 by Ord. No. 3976]**

BUILDABLE AREA — A rectangular area on a lot, located and having dimensions as specified by the zone district regulations, and encompassing as much as possible of the principal building and above-grade structures attached to the principal building. In the case of a substandard lot having a rectangular area with dimensions less than required, the usable area shall be construed to be the largest rectangular area having dimensions less than or equal to the required dimensions, and encompassing as much as possible of the principal building and above-grade structures attached to the principal building.**[Added 7-18-2001 by Ord. No. 2744]**

BUILDING — A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

BUILDING ENVELOPE — That portion of a lot within which a principal building is permitted to be located by law. The building envelope excludes the minimum front, side and rear yards required by the zoning regulations as well as wetlands, approved wetland transition areas, floodways, utility easements, access easements, conservation easements and all other areas within which buildings are prohibited.**[Added 10-25-2000 by Ord. No. 2713]**

BUSINESS SERVICES — Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, including, but not limited to: advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research, development, and testing; photo finishing; and personal supply services.**[Added 6-12-2024 by Ord. No. 4002]**

CANOPY — A roof-like cover made of rigid building materials and which projects from the wall of a building, the purpose for which may include the shielding of a doorway, window or sidewalk from the elements. In the case of a gasoline service station, a "canopy" is also a roof-like cover that is supported by one or more columns or stanchions, does not have any side walls and is used primarily to shield the pumps from the elements. The definition of "canopy" includes marquees, but excludes awnings.**[Amended 4-12-2017 by Ord. No. 3591]**

CELLULAR TELECOMMUNICATIONS ANTENNA — An antenna that is intended for commercial transmission or reception of personal wireless telephone services communications, and including commercial mobile services communications, unlicensed wireless services communications and common carrier wireless exchange access services, and also including any tower or other supporting structures and equipment necessary for such transmission or reception, as may be permitted by this chapter.**[Added 10-13-1998 by Ord. No. 2643]**

CERTIFICATE OF CONTINUED OCCUPANCY — A certificate stating that the continued occupancy of an existing building or structure may occur.

CERTIFICATE OF OCCUPANCY — A certificate stating that all work has been completed in accordance with the requirements of this chapter and the Uniform Construction Code and that the building or structure may be occupied or used.

CHANGE OF USE — Any use which substantially differs from the previous use of a building or land. A change of use does not necessarily involve modifications to existing improvements, or construction of new improvements.

CHANNEL — The bed and banks of a watercourse which convey the normal flow of the stream.

CHILD-CARE CENTER — Any facility which is maintained for the care, development or supervision of

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six or more children who attend the facility for less than 24 hours a day, and which is licensed as a child-care center by the Department of Human Services. This term shall not include any of those facilities or uses which are not included within the definition of "child-care center" contained in the Child Care Center Licensing Act (N.J.S.A. 30:5B-1 to 30:5B-15).

CLUB, FRATERNAL, RECREATIONAL, ATHLETIC, POLITICAL, LABOR, CIVIC, AND SOCIAL USES — A facility hosting a group of people formally organized for a common interest, usually political, industrial, cultural, religious, or entertainment, with regular meetings and formal written membership requirements.**[Added 6-12-2024 by Ord. No. 4002]**

COMMUNITY RESIDENCES AND SHELTERS — A community residence for the developmentally disabled, community shelter for victims of domestic violence, community residence for the terminally ill, community residence for persons with head injuries, or adult family-care homes for elderly persons and physically disabled adults, all as defined and regulated by N.J.S.A. 40:55D-66.1 and -66.2 and N.J.S.A. 26:2Y-3.**[Added 10-13-1998 by Ord. No. 2643[2]; amended 2-24-2010 by Ord. No. 3240; 4-12-2017 by Ord. No. 3591]**

CONCEPT/INFORMAL PLAN — The optional, initial development plan for subdivisions and/or site plans of sufficient accuracy and detail to be used for the purpose of informal review, evaluation and nonbinding comment by the Planning Board and meeting the requirements of this chapter.

CONDITIONAL USE — A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter, and upon the issuance of an authorization therefor by the Planning Board.

CONSTRUCTION OFFICIAL — A qualified person appointed by the Village Council pursuant to the Uniform Construction Code, Chapter 23, Title 5, to enforce and administer the regulations within the jurisdiction of the enforcing agency.

CONVENTIONAL DEVELOPMENT — Any form of development other than planned development.

COVERAGE BY ABOVE-GRADE STRUCTURES — The combined area of all buildings and other above-grade structures on a lot, including but not limited to porches, decks, balconies and cantilevered parts of the building at any level, but excluding, however, cornices, eaves and other structures which are specifically excluded by this chapter.**[Added 6-7-1999 by Ord. No. 2670]**

COVERAGE BY IMPROVEMENTS or IMPROVEMENT COVERAGE — The coverage by buildings and other above-grade structures on a lot as defined by this chapter, plus the coverage of any other structures, including but not limited to driveways, sidewalks, patios, decks, swimming pools, tennis courts, parking areas and other paved areas, whether constructed of asphalt, concrete, brick, stone, gravel or other paving materials, but excluding structures, or portions of structures, that are located below the surface of the ground and which are not visible from above the surface of the ground. (Thus, subsurface structures such as drywells, underground tanks, etc., are typically excluded from such coverage, whereas swimming pools, which may be located below the surface of the ground, but which are visible from above the surface of the ground, are not excluded). It is intended to include within this definition all man-made features except vegetation, organic mulch, soil (including soil retained by retaining walls) and structures that may be specifically excluded by this chapter.**[Added 6-7-1999 by Ord. No. 2670; amended 2-11-2004 by Ord. No. 2862]**

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2. Editor's Note: This ordinance also repealed the former definitions of "community residence for persons with head injuries," "community residence for the developmentally disabled," and "community shelter for victims of domestic violence," which were previously included in this section.

3. Editor's Note: This ordinance provided that it shall take effect after execution of a settlement agreement that resolves West Bergen Mental Healthcare's objection to the Village's housing element and fair share plan and after COAH's approval of such agreement.

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"C" VARIANCE — Any variance which is not a "D" variance.

DAYS — Calendar days.

DECK — A structure consisting primarily of a man-made platform or platforms which is/are elevated above the adjacent ground level by at least one foot and which is/are typically used or designed for use for outdoor dining, recreational, entertainment or similar purposes.**[Added 4-12-2017 by Ord. No. 3591]**

DENSITY — The permitted number of dwelling units per gross area of land to be developed.

DEVELOPER — The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining excavation or landfill and any use or change in the use of any building or other structure or land or extension or use of land, for which permission may be required pursuant to this chapter.

DISPLAY — A three-dimensional item meant to attract patrons to a business.**[Added 9-12-2018 by Ord. No. 3667]**

DISPLAY RACK — A framework (i.e., bar, rail, hooks) for holding multiple items up for display.**[Added 9-12-2018 by Ord. No. 3667]**

DISTRICT — See "zoning district" below.

DRIVE-IN BANK — A facility either within the principal structure or in a freestanding accessory structure which, by design, encourages or permits customers to receive services while remaining in their motor vehicles.

"D" VARIANCE — Permission to depart from the literal requirements of the zoning regulations, Article X of this chapter, to permit:

A. A use or principal structure in a district restricted against such use or principal structure.

B. An expansion of a nonconforming use;

C. Deviation from a specification or standard pertaining solely to a conditional use;

D. An increase in the permitted floor area ratio as defined in Section 3.1 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-4);

E. An increase in the permitted density as defined Section 3.1 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-4), except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision; or

F. A height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

DWELLING UNIT — A unit comprising living accommodations designed and used for occupancy by only one family.

EASEMENT — An encumbrance or grant of an estate in lands distinct from ownership to use in some way the land of another.

EATING AND DRINKING ESTABLISHMENTS — Businesses where prepared food and/or beverages

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are available for sale and consumption, either on-site, for take-out, or delivery. This classification is intended to be encompassing and includes, but is not limited to: sit-down restaurants, take-out restaurants, bars and taverns, bakeries, dessert establishments, coffee shops, delis, and similar businesses. Retail establishments selling a combination of unprepared ingredients and prepared foods may be considered either eating and drinking establishments or retail sales.**[Added 6-12-2024 by Ord. No. 4002]**

ENVIRONMENTALLY ACTIVATED SIGN/DISPLAY — Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motions.**[Amended 9-12-2018 by Ord. No. 3667]**

ERECT — To build, construct, attach, hang, place, suspend or affix, and shall include the painting of wall signs.[4]

FAMILY — Any reasonable number of persons (consistent with the provisions of the building, fire and health codes and the residential character of the neighborhood involved) living together as a single, not-for-profit housekeeping unit, whose relationship is of a permanent, domestic and private residential character and who utilize all rooms and cooking facilities in common. Commercial and institutional uses, boarding- or rooming houses, transient uses, societies, clubs, fraternities, sororities, associations, lodges, shelters, halfway houses and similar organizations are excluded from this definition, except as otherwise specifically provided by the Municipal Land Use Law under N.J.S.A. 40:55D-66c.

FAMILY DAY-CARE HOME — The private residence of a family day-care provider which is registered as a family day-care home pursuant to the Family Day-Care Provider Registration Act, P.L. 1987, c. 27 (N.J.S.A. 30:5B-16 et seq.), and in which child care services are regularly provided to no fewer than three and no more than five children for no less than 15 hours per week, not including children legally related to the provider or being cared for as part of a cooperative agreement between parents for the care of their children where no payment for the care is being provided.[5]

FENCE — An artificially constructed freestanding barrier, typically constructed of wood, wire, metal, vinyl or other materials and typically erected for the enclosure and/or screening of areas of land.**[Added 3-12-2003 by Ord. No. 2818]**

FINAL APPROVAL — The official action of the Planning Board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion, or approval conditioned upon the posting of such guaranties.

FINAL PLAT — The final map of all or a portion of the subdivision which is presented to the Planning Board for final approval in accordance with this chapter.

FINANCIAL INSTITUTIONS — Banks, savings-and-loan institutions, stock brokerage houses, and finance companies.**[Added 6-12-2024 by Ord. No. 4002]**

FITNESS AND HEALTH CLUBS — An establishment that houses exercise equipment and space for the purposes of physical exercise. Such facilities may include, but are not limited to gyms, yoga studios, pilates studios, cross-fit boxes, cycling facilities, pools, and sport-specific training facilities. Instructional classes, pools, saunas, physical therapy, massage, and incidental retail are a customary part of these uses.**[Added 6-12-2024 by Ord. No. 4002]**

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4. **Editor's Note: The definition of "erosion," added 3-8-2006 by Ord. No. 2983, which immediately followed this definition, was repealed 1-7-2007 by Ord. No. 3035. See now § 190-83.**

5. **Editor's Note: The definition of "fast-food restaurant," which immediately followed this definition, was repealed 12-14-2011 by Ord. No. 3323.**

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FLEXIBLE OFFICE/CO-WORKING/INCUBATOR SPACE — A flexible space offering one or more of the following: common and/or private workspace, meeting rooms, shared amenities and equipment, business support and development services, package and mail facilities, office management services, or flexible working areas. The space shall not be restricted to use by a single entity and may provide lease or subscription-based, short-term, daily, or time-based rental options for a diverse set of clients.**[Added 6-12-2024 by Ord. No. 4002]**

FLEXIBLE RETAIL — All permitted retail sales and service uses shall be permitted to host events and activities within their premises that are related to their principal retail functions and consistent with the overall theme of the business in question. The intent is to allow businesses to be flexible and creative. Some examples may include: book clubs, signings, and readings at a book store; live music or poetry readings at a restaurant or coffee shop; gaming sessions or tournaments in a game store; knitting room in a craft supply store; etc.**[Added 6-12-2024 by Ord. No. 4002]**

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Flood Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — The official report provided in which the Federal Insurance Administration has set forth flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN — The area of a special flood hazard subject to a one-percent or greater chance of flooding in any given year.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 of a foot.

FLOOR AREA — See "gross floor area and/or habitable floor area" below.

FLOOR AREA RATIO — In the case of residential uses in residential zones, the habitable floor area of the building(s) divided by the total area of the site, expressed as a percentage. In the case of any use in the nonresidential zones or nonresidential use in the residential zones, the gross floor area of all buildings which are enclosed by an exterior wall, divided by the total area of the site, expressed as a percentage.

FREESTANDING WALL — An artificially constructed freestanding barrier, typically of heavier-duty construction than a fence, typically constructed of wood, stone, brick, concrete or other masonry materials, often containing a footing and/or foundation, and typically erected for the enclosure and/or screening of areas of land.**[Added 3-12-2003 by Ord. No. 2818]**

GARAGE, PRIVATE — A detached accessory building or a portion of a principal building used primarily for the storage of motor vehicles owned or used by the occupant of the principal building to which the garage is accessory.

GARAGE, PUBLIC — Any building, structure, lot or land in or upon which a business, service or industry involving the fueling, storage, maintenance, washing or servicing and storage in connection therewith of motor vehicles is maintained, conducted, operated or rendered. Garages used exclusively for the parking of motor vehicles for the general public are not included within this definition.

GARDEN APARTMENT — A building situated on one lot which contains separate dwelling units for more than two families, and which contains no more than two stories, and in which individual dwelling units may be located above one another. Garden apartments may also provide access to dwelling units from a common entrance and utilize shared parking, utilities and open space.

GASOLINE SERVICE STATION — See "garage, public."

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GOVERNING BODY — The Village Council of the Village of Ridgewood.

GROSS BUILDING AREA — The sum of the horizontal area or areas of each story or hall story of all principal and accessory buildings on a site, measured from the exterior face of the exterior walls of such buildings. Gross building area shall not include basements, except as indicated below, areas not enclosed by walls, screening, windows, etc., and areas having a vertical dimension of less than seven feet between the floor (or if there is no floor, then the joists) and the bottom of the roof structure. Gross building area shall include but not necessarily to be limited to the following:**[Added 10-10-2007 by Ord. No. 3083; amended 11-8-2023 by Ord. No. 3973]**

A. The horizontal area of habitable and nonhabitable floor area.

B. The horizontal area of interior and exterior walls.

C. The horizontal area of the portion of attics or other similar areas below the roof having a vertical dimension of at least seven feet between the floor (or if there is no floor, then the joists) and the bottom of the roof structure.

D. The horizontal area of all stairs and stairwells on each floor. The gross building area shall be calculated as the area of stairs and stairwells times the number of stories through which the stairs and stairwells project.

E. The horizontal area of spaces that project through two or more stories. The gross building area shall be calculated as the area of the space times the number of stories through which the space projects.

F. The horizontal area of enclosed porches, decks and similar features enclosed by screening, windows or similar enclosures.

G. The horizontal area of attached garages, storage rooms and similar areas.

H. The horizontal area of a basement that extends beyond the footprint of the floor immediately above it and has any portion of its volume located three or more feet above the adjacent grade.

GROSS FLOOR AREA — The aggregate area of all floors in a building enclosed by an exterior wall and measured from the exterior face of exterior walls or from the center line of walls separating two buildings, excluding any space where the floor to ceiling height is less than six feet, and excluding basements and cellars, attics, garages and other interior parking and loading space used by motor vehicles. Notwithstanding the above, if any part of the area of an attic, basement or cellar in a building or any part of a garage shall be devoted to a principal use, including but not limited to a dwelling unit, display space, sales space, work areas, food preparation and service areas, offices, meeting rooms, drafting rooms or facilities, waiting rooms, laboratories or patient treatment or therapy facilities, such part or area shall be included in the computation of gross floor area. This shall not be construed to include the use of such areas for storage and similar support functions within the calculation of gross floor area.

HABITABLE FLOOR AREA — The area of that portion of a building or structure designed, intended and furnished for year-round human occupancy measured on each floor from the inside face of exterior walls or from the center line of walls separating two buildings, and including but not limited to interior walls and stairwells. Habitable floor area shall not include attic spaces, basements or cellars, open porches, breezeways and garages.[6]

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6. Editor's Note: The definition of "height of building," as amended, which immediately followed this definition, was repealed 5-14-2008 by Ord. No. 3120.

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HISTORIC PRESERVATION PERMIT — A document signed by the Construction Official which is required for exterior work to any improvement on property in an historic district or on an historic site. A preservation permit pursuant to the historic preservation provisions of the this chapter shall include, but is not limited to, a building permit, a demolition permit or a permit to move, convert, relocate or remodel or which involves exterior changes to the structure or the property on which it is located, which changes are visible from a public street, also known as "preservation permit."

HISTORIC SITE — Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archaeological, cultural, scenic or architectural significance and which has been designated as such in the Village Master Plan or in this chapter.[7]

HOUSE OF WORSHIP — A building or structure or group of buildings or structures that is/are: 1) used primarily by groups of persons organized as a nonprofit 501c(3) organization recognized by the Federal Internal Revenue Service; and 2) used primarily for organized religious services and the accessory uses associated therewith. This definition shall include, but not be limited to, chapels, churches, congregations, temples, mosques, shrines and similar designations.**[Added 2-8-2017 by Ord. No. 3579]**

INCLUSIONARY DEVELOPMENT — A development containing both affordable units and market-rate units. This term includes, but is not necessarily limited to new construction, the conversion of a nonresidential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.[8]**[Added 5-12-2004 by Ord. No. 2891; amended 3-23-2016 by Ord. No. 3493]**

INSTITUTIONAL USE — A house of worship and/or a public or private school-providing academic instruction for children between the grades kindergarten through 12 and accredited by the State Department of Education. Included in this definition are uses accessory to the foregoing that are part of the same development. Specifically excluded from this definition are child-care centers operating as a principal use and not accessory to a house of worship or school.**[Amended 2-8-2017 by Ord. No. 3579]**

INSTRUCTIONAL SCHOOLS — An institution for providing nonaccredited instruction to children or adults in the arts, cooking, dance, language, crafts, martial arts, athletics, and similar uses. Instructional schools shall not include post-secondary education or trade schools.**[Added 11-7-2018 by Ord. No. 3686; amended 12-12-2018 by Ord. No. 3691; 6-12-2024 by Ord. No. 4002]**

INTERESTED PARTY — In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the Village, whose right to use, acquire or enjoy property is or may be affected by any action taken under this chapter or whose rights to use, acquire or enjoy property under this chapter or under any other law of this state or of the United States have been denied, violated or infringed by an action or failure to act under this chapter or the Municipal Land Use Law.[9]

LOT — A designated parcel, tract or area of land, established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA — The total square unit content of any lot as measured within the lot lines.

LOT, CORNER — A lot at the junction of and having frontage on two or more intersecting streets. A "corner lot" is also a lot bounded on two or more sides by the same street.

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7. Editor's Note: The definition of "impervious surface," added 3-8-2006 by Ord. No. 2983, which immediately followed this definition, was repealed 1-7-2007 by Ord. No. 3035. See now § 190-83.

8. Editor's Note: The definition of "infiltration," added 3-8-2006 by Ord. No. 2983, which immediately followed this definition, was repealed 1-7-2007 by Ord. No. 3035. See now § 190-83.

9. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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LOT DEPTH — The distance between the front lot line and the rear lot line, or extensions thereof, measured along the shortest such line that crosses the building envelope.**[Amended 10-25-2000 by Ord. No. 2731]**

LOT FRONTAGE — That portion of a lot which is contiguous with a street right-of-way. In the case of a through lot, the lot frontage shall be considered that frontage upon which the majority of the buildings in the same block front; provided that in case there has been no clearly defined frontage established, the owner may, when applying for a building permit, specify on his permit application which lot line shall be considered the lot frontage. A corner lot shall be deemed to have frontage on any abutting street.

LOT LINE, FRONT — The lot line(s) separating a lot from a street right-of-way. On corner lots and on through lots, all lot lines separating a lot from a street right-of-way are front lot lines. See lot line illustration, below.**[Amended 4-12-2017 by Ord. No. 3591]**

LOT LINE, REAR — On interior lots, the lot line or lines opposite from the front lot line and not intersecting the front lot line. In the case of interior lots which have side lot lines meeting at a point in the rear of the lot, the rear lot line shall be the point of intersection of the side lot lines and the minimum rear yard shall be measured radially from said point.**[Amended 4-12-2017 by Ord. No. 3591]**

A. On corner lots, the rear lot line shall be that lot line or lines opposite from the shortest front lot line, and which may intersect the longest front lot line.

B. On through lots, there may or may not be a rear lot line or lines, depending upon the configuration of the lot.

C. See lot line illustration, below, for examples using various lot configurations. For uncommon lot configurations, the Zoning Officer shall determine the side and rear lot lines, as set forth in § 190-119A(5).

LOT LINE, SIDE — Any lot line other than a front or rear lot line. On corner lots, the side lot line shall be the lot line or lines which is/are opposite the longest front lot line.**[Amended 4-12-2017 by Ord. No. 3591]**

A. See lot line illustration, below, for examples using various lot configurations. For uncommon lot configurations, the Zoning Officer shall determine the side and rear lot lines, as set forth in § 190-119A(5).

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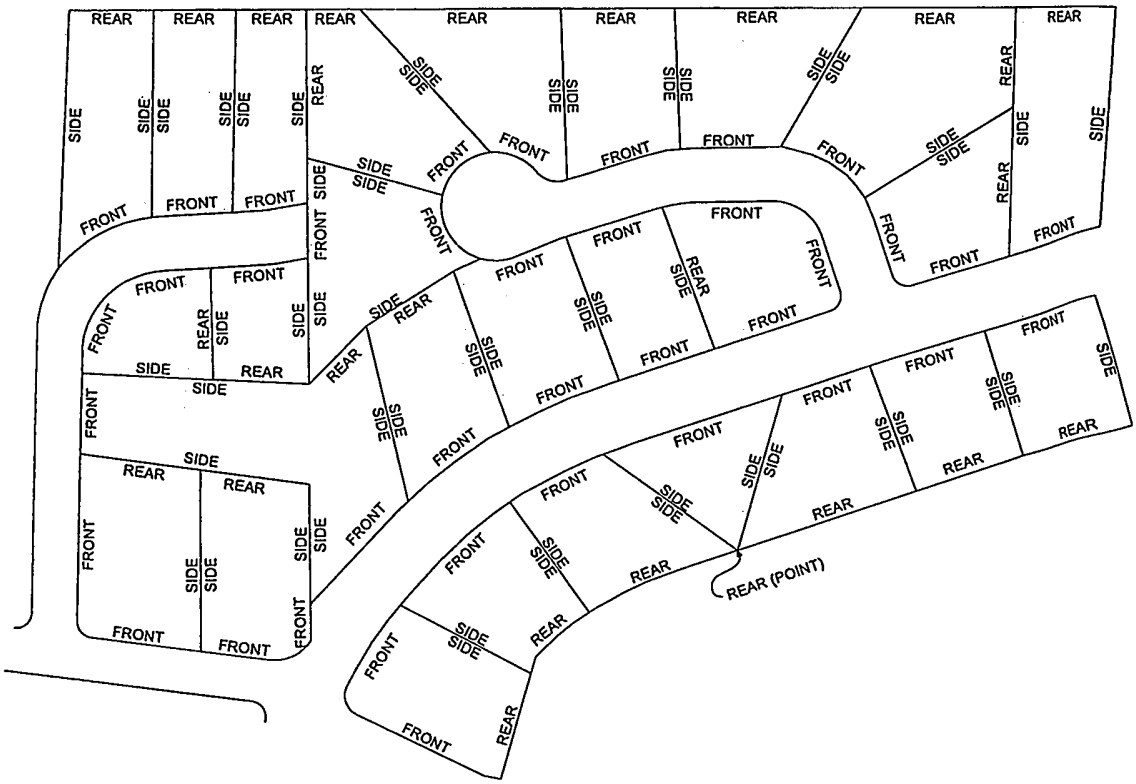

FRONT, REAR AND SIDE LOT LINES - EXAMPLES

LOT, THROUGH — A lot that fronts upon two streets that do not intersect at the boundaries of the lot.

LOT WIDTH — The shortest straight line distance between the two side lines of any lot, measured parallel to the front lot line and at a distance from the front lot line equal to the minimum required front yard setback. On corner lots, the lot width shall be as defined herein, but measured parallel to the shortest front lot line. If the front lot line of any lot is not a straight line, the lot width shall be measured parallel to the shortest imaginary line which is entirely within the lot and tangent to the front lot line. The lot width shall be measured parallel to said imaginary line at a distance equal to the minimum front yard setback.**[Amended 6-10-1997 by Ord. No. 2606]**

LOW-INCOME HOUSEHOLD — A household having a gross household income less than or equal to 50% of the median gross household income for households of the same size within the housing region in which the housing for said household is located, as approved by the New Jersey Council on Affordable Housing.**[Added 5-12-2004 by Ord. No. 2891]**

LOW-INCOME HOUSING — Housing affordable according to the Federal Department of Housing and Urban Development or the standards included in the Substantive Rules of the New Jersey Council on Affordable Housing (N.J.A.C. 5:93-1.1 et seq.) for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to 50% or less of the median gross household income for households of the same size within the housing region in which the housing is located, and which is subject to affordability controls promulgated by the New Jersey Council on Affordable Housing.**[Added 5-12-2004 by Ord. No. 2891]**

MAINTENANCE GUARANTY — Any security which may be accepted by the Village for the maintenance of any improvements required by this chapter, including but not limited to cash, surety bonds

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and letters of credit under the circumstances specified by this chapter.[10]

MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision.

MARKET-RATE DWELLING UNITS — Housing units not restricted to low- and moderate-income households that may sell at any price determined by a willing seller and a willing buyer.**[Added 6-14-2006 by Ord. No. 3001]**

MARQUEE SIGN — A sign located on a building or canopy of a building, which sign is designed to be changed on a regular basis and which is intended to advertise or announce performances or performers, attractions, exhibits and similar events, as in the case of theaters, playhouses, halls, etc.**[Amended 4-12-2017 by Ord. No. 3591]**

MASTER PLAN — A composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to N.J.S.A. 40:55D-28.

MEDICAL OFFICES — Establishments providing diagnostic, therapeutic, or preventive medical, osteopathic, chiropractic, dental, psychological and similar or related treatment by a practitioner or group of practitioners licensed to perform such services to ambulatory patients on an outpatient basis only, either with or without an appointment, and without facilities for acute emergency care, inpatient care or major surgical procedures. A medical office may also contain associated in-house ancillary services such as in-house diagnostic testing facilities, physical therapy, medical counseling services, and similar services.**[Added 6-12-2024 by Ord. No. 4002]**

MEDICAL SPA — A facility that offers nonsurgical cosmetic and aesthetic personal care and wellness procedures. Typical services offered include skin treatments, laser hair removal, hair restoration, injections, and the like. A medical spa may be considered either a personal service establishment or a medical office for purposes of zoning regulation. If general or specialized medical consultation or surgical procedures are included in the use, it shall be considered a medical office.**[Added 6-12-2024 by Ord. No. 4002]**

MICROBREWERY (AKA LIMITED BREWERY) — A hybrid commercial and manufacturing establishment, commonly known as a microbrewery, that brews any malt alcoholic beverage in quantities for which it is licensed by the Alcoholic Beverage Commission as a limited brewery pursuant to N.J.S.A. 33:1-10.**[Added 12-13-2023 by Ord. No. 3976]**

MICRODISTILLERY (AKA CRAFT DISTILLERY) — A hybrid commercial and manufacturing establishment that includes the manufacture, on-site storage, retail sale, and sampling of distilled alcoholic beverages in quantities for which it is licensed by the Alcoholic Beverage Commission as a craft distillery pursuant to N.J.S.A. 33:1-10.3d.**[Added 6-12-2024 by Ord. No. 4002]**

MINOR SITE PLAN — A development plan of one or more lots which requires site plan approval and which:**[Amended 10-14-2009 by Ord. No. 3220; 8-13-2014 by Ord. No. 3426]**

A. Proposes new development which is limited to any or all of the following, provided that for purposes of this definition multiple development applications for the same property shall be construed as a single development application if such application(s) is (are) filed within 190 days of the filing of any prior application:

   (1) Alterations to the facade, roof, entrance or exit doors, windows or other exterior components of an existing building, provided that such alterations do not involve alteration of the location or extent of the exterior building walls or roof in a manner inconsistent with Subsection A(2) and (3) in this definition.

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10. Editor's Note: The definition of "major development," added 3-8-2006 by Ord. No. 2983, which immediately followed this definition, was repealed 1-7-2007 by Ord. No. 3035. See now § 190-83.

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(2) The construction, demolition or other change in the gross building area on the property, provided that the change involves no more than 500 square feet. Said five-hundred-square-foot change shall be calculated as the total amount of existing and proposed gross building area affected by the change, not as the net change in gross building area; thus, a demolition of 250 square feet and the construction of 250 square feet of gross building area would be calculated as a change of 500 square feet.

(3) The construction, reconstruction, conversion, alteration, relocation, enlargement or demolition of any nonbuilding structure(s), and any site grading, landscaping or other ground disturbance, all of which have a combined ground surface area of no greater than 2,000 square feet. Said two-thousand-square-foot limitation shall exclude any ground surface area affected by changes in the gross building area included in the calculation in Subsection A(2) of this definition.

B. Does not involve planned development, any new street or extension of off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42.

C. Contains the information reasonably required in order to make an informed determination as to whether the requirements established by this chapter for approval of a minor site plan have been met.

MINOR SUBDIVISION — A subdivision of land for the creation of not more than three lots fronting on an existing street, provided that such subdivision will not adversely affect the development of the remainder of the parcel or adjoining property and that such subdivision does not involve a planned development, any new street or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42.

MODERATE-INCOME HOUSEHOLD — A household having a gross household income in excess of 50% but less than 80% of the median gross household income for households of the same size within the housing region in which the housing for said household is located, as approved by the New Jersey Council on Affordable Housing.**[Added 5-12-2004 by Ord. No. 2891]**

MODERATE-INCOME HOUSING — Housing affordable according to the Federal Department of Housing and Urban Development or the standards included in the Substantive Rules of the New Jersey Council on Affordable Housing (N.J.A.C. 5:93-1.1 et seq.) for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income in excess of 50% but less than 80% of the median gross household income for households of the same size within the housing region in which the housing is located, and which is subject to affordability controls promulgated by the New Jersey Council on Affordable Housing.**[Added 5-12-2004 by Ord. No. 2891]**

MOTOR VEHICLE — Any motorized means of conveyance of persons or property, including but not limited to those vehicles covered by N.J.S.A. 39:1-1 et seq.**[Added 4-9-2008 by Ord. No. 3114]**

MULTIFAMILY DWELLING — Any structure containing three or more dwelling units.

MUNICIPAL AGENCY — The Village Planning Board or Board of Adjustment or Village Council when acting pursuant to this chapter, and any agency created by or responsible to the Village of Ridgewood when such agency is acting pursuant to this chapter.

NONCONFORMING LOT — A lot the area, dimension or location of which was lawful prior to the adoption, revision or amendment of the zoning regulations, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

NONCONFORMING STRUCTURE — A structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of the zoning regulations, but which fails to conform to

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the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

NONCONFORMING USE — A use or activity which was lawful prior to the adoption, revision or amendment of the zoning regulations, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

NONRESIDENTIAL ZONES/DISTRICTS — Those zones set forth in the zoning regulations of this chapter which are intended primarily for nonresidential or mixed-use development. In addition, those lots in the HC and T Zone Districts which are used primarily for nonresidential purposes shall be considered to be in a nonresidential zone.[11] **[Amended 6-13-2012 by Ord. No. 3343; 3-23-2016 by Ord. No. 3493]**

OCCUPANCY or OCCUPIED — The residing of a person or persons in a dwelling unit overnight or the installation, storage or use of equipment, merchandise or machinery in any commercial, residential, public or industrial building. Excluded from the definition is the use of any construction equipment or machinery not considered part of the building or the storage of product, merchandise, raw material or other personal property or the use of a structure by those engaged in its construction.

OFFICIAL MAP — A map adopted by ordinance pursuant to N.J.S.A. 40:55D-32 et seq. Such map shall be deemed conclusive with respect to the location and width of streets and public drainage ways and the location and extent of flood control basins and public areas including public parks, playgrounds, trails, paths and other recreation areas, public open spaces, scenic and historic sites, sites for schools and other public buildings and structures, whether or not such streets, ways, basins or areas are improved or unimproved or are in actual physical existence.

OFF-SITE — Located outside the lot lines of the lot in question but within the property of which the lot is a part which is the subject of a development application or the closest half of the street or right-of-way abutting the property of which the lot is a part. **[Added 3-9-1999 by Ord. No. 2657]**

OFF-TRACT — Not located on the property which is the subject of a development application nor on the closest half of the abutting street or right-of-way. **[Amended 3-9-1999 by Ord. No. 2657]**

ON-SITE — Located on the lot in question and excluding any abutting street or right-of-way. **[Added 3-9-1999 by Ord. No. 2657]**

ON-TRACT — Located on the property which is the subject of a development application or on the closest half of an abutting street or right-of-way. **[Amended 3-9-1999 by Ord. No. 2657]**

OPEN SPACE — Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

OUTDOOR CAFE — Any eating establishment where food and other refreshments are served or consumed outside the interior of the eating establishment on private property or upon the public right-of-way, namely, the sidewalks immediately in front of any restaurant, cafe, cafeteria or place of business where food and/or other refreshments are served or consumed or where permitted on private property pursuant to this chapter. **[Amended 7-18-2007 by Ord. No. 3071]**

OWNER — Any individual, firm, association, syndicate, partnership, limited liability corporation or corporation having sufficient proprietary interest in the land sought to be processed for development under this chapter.

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11. Editor's Note: The definition of "normal grade," added 3-12-2003 by Ord. No. 2818, as amended, which immediately followed this definition, was repealed 5-14-2008 by Ord. No. 3120.

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PARKING AREA — An open area, other than a street or other public way, used for the parking of motor vehicles, including parking spaces and adjacent service aisles, but not including access drives from a public thoroughfare.

PARKING SPACE — A rectangular space designed to be used as an accommodation for off-street motor vehicle parking, exclusive of access drives or aisles.

PATIO — A structure consisting primarily of a man-made platform or platforms which is/are located at the adjacent ground level, below the adjacent ground level, or elevated above the adjacent ground level by less than one foot and which is/are typically used or designed for use for outdoor dining, recreational, entertainment or similar purposes.**[Added 4-12-2017 by Ord. No. 3591]**

PERFORMANCE GUARANTY — Any security which may be accepted by the Village, including but not limited to surety bonds, cash and letters of credit under the circumstances specified in this chapter in lieu of a requirement that certain improvements be made before the Planning Board or other municipal agency approves a subdivision plat or site plan.

PERSON — Any person, individual, business entity, partnership, association, corporation, limited liability corporation, company, organization or legal entity of any kind or nature.

PLAT — The map or maps of a subdivision.

POOL, REGULATED — Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches deep, including in-ground, aboveground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.**[Added 4-12-2017 by Ord. No. 3591]**

PORCH — An elevated structure attached to a building, consisting of a platform or platforms and which may also include steps and/or a ramp, and which typically provides ingress to and/or egress from the building, and which may be used for outdoor relaxation and socializing.**[Added 4-12-2017 by Ord. No. 3591]**

PRELIMINARY APPROVAL — The conferral of certain rights pursuant to N.J.S.A. 40:55D-46 et seq., prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

PRELIMINARY PLAT — The preliminary map indicating the proposed layout of the subdivision and meeting the requirements of this chapter.

PRELIMINARY SITE PLAN — The preliminary development plan indicating the proposed layout of the site and meeting the requirements of this chapter.

PREMISES — A building or structure or a piece or tract of land or real estate vacant or otherwise.

PRINCIPAL USE OR STRUCTURE — The primary or predominant use of any lot. A principal structure is one devoted to the principal use.

PROFESSIONAL OFFICES — A place for the transaction of business where reports are prepared, records are kept and services rendered, often by appointment or with limited walk-in traffic and where no retail sales are offered and where no manufacturing, assembly, distribution center or fabricating takes place. Medical offices shall be considered distinct from professional offices.**[Added 11-7-2018 by Ord. No. 3686; amended 12-12-2018 by Ord. No. 3691; 6-12-2024 by Ord. No. 4002]**

PUBLIC UTILITY FACILITIES — Telephone and electric lines, poles, equipment and structures, water or gas pipes, mains, valves or structures or sewer pipes, valves or structures maintained, operated and conducted for the service, convenience, necessity, health and welfare of the general public, whether owned by any arm or creature of the local, state or federal government or by any privately owned public utility corporation.

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PUBLIC WATER SUPPLY SYSTEM — A system comprising structures which, operating alone or with other structures, results in the enclosure, derivation, conveyance, transmission or distribution of water for potable or domestic purposes to consumers in 20 or more dwellings or properties.

QUORUM — The majority of the full authorized membership of a municipal agency.[12]

RECREATIONAL FACILITIES — Facilities that offer recreational activities and experiences including, but not limited to escape rooms, axe throwing, arcades, video or virtual reality games. Retail sales are a customary part of these uses.**[Added 6-12-2024 by Ord. No. 4002]**

RECREATIONAL VEHICLE — A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreation and camping purposes. Recreational vehicles include, but are not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.**[Added 4-9-2008 by Ord. No. 3114]**

REPORT OF THE HISTORIC PRESERVATION COMMISSION — A document issued by the Historic Preservation Commission reporting to the Construction Official on a preservation permit application for any alteration or addition to a historic site or for a property within an historic district based upon plans presented for the preservation, restoration, rehabilitation or alteration of property or the demolition, addition, removal, repair, remodeling of any feature for any existing or new construction stating the findings of fact and conclusions upon which the report is based.

RESIDENTIAL CLUSTER — A contiguous or noncontiguous area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space as an appurtenance.

RESIDENTIAL ZONES/DISTRICTS — Those zones set forth in the zoning regulations of this chapter which are intended primarily for residential development. In addition, those lots in the HC and T Zone Districts which are vacant or used primarily for residential purposes, as well as those lots in the nonresidential zones which are developed or proposed to be developed entirely for residential uses permitted by ordinance or by variance shall be considered to be in a residential zone.**[Amended 6-13-2012 by Ord. No. 3343; 3-23-2016 by Ord. No. 3493]**

RESUBDIVISION — The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

RETAIL SALES — An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Retail sales include, but are not limited to antique and vintage shops, appliances shops, art supply and hobby shops, bicycle shops, bookstores, butchers and specialty food stores, card and gift shops, cosmetic shops, clothing shops, drugstores, electronics sales and services including for computers and cellular phones, florists, home goods and home furnishing stores, grocery stores, hardware and paint stores, jewelers, liquor stores, musical instrument sales and instruction, office equipment and supply stores, pet shops and groomers, photography studios, retail bakeries, shoe stores, sporting goods stores, toy stores, and other similar establishments.**[Added 11-7-2018 by Ord. No. 3686; amended 12-12-2018 by Ord. No. 3691; 6-12-2024 by Ord. No. 4002]**

RETAIL SERVICES — An establishment providing services, as opposed to products, to the general public for personal or household use.**[Added 11-7-2018 by Ord. No. 3686; amended 12-12-2018 by Ord. No.**

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12. Editor's Note: The definition of "recharge," added 3-8-2006 by Ord. No. 2983, which immediately followed this definition, was repealed 1-7-2007 by Ord. No. 3035. See now § 190-83.

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RETAINING WALL — A wall that is designed and constructed for the purpose of supporting a change in elevation between one side of the wall and the other side. Notwithstanding the foregoing, structures including but not limited to curbs that support a change in elevation of eight inches or less shall not be considered a retaining wall for the purposes of this chapter.**[Added 3-12-2003 by Ord. No. 2818]**

ROAD STAND — A business engaged in the sale of food, soft drinks, ice cream and other similar goods or confections which are so prepared and served as to be intended for immediate consumption and in or from which the customers are served while standing outside the confines of the structure or building in which the business is conducted. The term "road stand" includes the terms "snack bars," "dairy bars" and terms describing similar establishments.

ROOF SIGN — Any sign extending above any part of the roof of any structure.

SATELLITE DISH — A parabolic or dish-shaped antenna that is designed for the purpose of receiving or transmitting radio waves.[13]**[Added 10-13-1998 by Ord. No. 2643]**

SIGN**[Amended 12-11-2013 by Ord. No. 3400; 9-11-2019 by Ord. No. 3741]** —

A. Any device, freestanding or attached to a building or structure or erected, painted represented or reproduced upon any building or structure, which displays, reproduces or includes any letter, logo, word, name, number, model, insignia, design, device or representation used for one or more of the following purposes:

   (1) To identify the premises or occupant or owner of the premises;

   (2) To advertise any trade, business, profession, industry, service or other activity;

   (3) To advertise any product or item to advertise the sale or rental or use of all or any part of any premises, including that upon which it is displayed;

   (4) To direct vehicular or pedestrian traffic other than state, county, Village highway and roadway markers;

   (5) And shall include any announcement, declaration, demonstration, display, illustration, insignia or any representation used to advertise or intended to advertise or promote the interests of any person.

B. The term "sign" shall not be construed to mean any sign in the interior of any structure which is not visible from outside the structure. Official flags of the United States, New Jersey or its political subdivisions, and any poles upon which such flags are hung, shall not be construed a sign for the purposes of this chapter.

SIGN MESSAGE — The letters, numbers, symbols or other graphic representation of a sign used to identify or advertise a premises, occupant, activity, product, service or to direct traffic, when such graphic representation is distinguished from the sign structure.

SIGN, PRINCIPAL — A primary or predominant sign on the premises displayed to identify the occupant thereof or the services rendered or a product or item available therein or a trade, business or profession carried on therein.

SIGN STRUCTURE — The physical structure of a sign, used for purposes of support, ornamentation,

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13. Editor's Note: The definition of "sediment," added 3-8-2006 by Ord. No. 2983, which immediately followed this definition, was repealed 1-7-2007 by Ord. No. 3035. See now § 190-83.

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background, illumination, ventilation or other purposes, when such structure is distinguished from the sign message. When not distinguished, the sign structure shall be deemed to include the sign message.

SINGLE-FAMILY ATTACHED RESIDENTIAL DWELLING UNIT — A dwelling unit in a structure containing at least three dwelling units in which each separate dwelling unit is attached to other similar dwelling units by one or more common walls, or portions thereof, extending from the foundation to the roof and further provided each dwelling unit has a separate front and rear or side entrance providing direct access for said unit to and from the outdoors. Single-family attached residential dwelling units are also known as "townhouse units."**[Amended 8-9-2006 by Ord. No. 3015]**

SITE PLAN — A development plan of one or more lots on which is shown the information required by this chapter, plus any other information reasonably necessary and required in order to make an informed determination pursuant to this chapter.

SITE PLAN COMMITTEE — A committee of at least three Planning Board members appointed by the Chairman of the Board for the purpose of reviewing site plans for a report back to the entire Board and such other duties relating to land development which may be conferred on this Committee by the Board.[14]

STAIRS — A series of steps (a minimum two steps), including a landing area.**[Added 9-12-2018 by Ord. No. 3668]**

STEP — Has a minimum tread depth of nine inches and a maximum depth of 11 inches with a riser height of a minimum of four inches and a maximum height of 8 1/4 inches.**[Added 9-12-2018 by Ord. No. 3668]**

STORAGE — The placement of any vehicle, boat, trailer, machine, equipment or material upon the particular premises or property on a regular or recurring basis.[15]

STORY — That portion of a building between the surface of any one floor and the surface of the floor next above it or, if there is no floor above it, then that portion of the building included between the surface of any floor and the ceiling or roof next above it. Notwithstanding the foregoing, a basement shall be considered a story only if the finished surface of the floor above the basement is:**[Amended 10-10-2007 by Ord. No. 3083; 5-14-2008 by Ord. No. 3120]**

A. More than six feet above the average elevation of the finished ground level at the foundation wall of the structure; or

B. More than six feet above the average elevation of the finished ground level for more than 50% of the total building perimeter; or

C. More than 12 feet above the finished ground level at any point.

STORY, HALF — That portion of a building included between the surface of any floor and the ceiling or roof next above it, and in which the ceiling area at a height of seven feet above the floor is not more than one-third the area of the next floor below.**[Added 5-14-2008 by Ord. No. 3120]**

STREET — Any street, avenue, boulevard, road, parkway, viaduct, alley or other way which is an existing state, county or municipal roadway; which is shown upon a plat heretofore approved pursuant to law; which is approved by official action as provided by this chapter; or which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of the Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas

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14. Editor's Note: The definition of "soil," added 3-8-2006 by Ord. No. 2983, which immediately followed this definition, was repealed 1-7-2007 by Ord. No. 3035. See now § 190-83.

15. Editor's Note: The definitions of "stormwater" and "stormwater runoff," added 3-8-2006 by Ord. No. 2983, which immediately followed this definition, were repealed 1-7-2007 by Ord. No. 3035. See now § 190-83.

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and other areas within the street lines.

STREET SIDE LINE — The outermost line of the whole area devoted to street purposes on either side thereof. "Street side line" is synonymous with street right-of-way line, but generally throughout this chapter the former is used in conjunction with existing streets and the latter is used in conjunction with proposed streets.

STRUCTURE — A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

SUBDIVISION — The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The term "subdivision" shall also include the term "resubdivision." The following shall not be considered subdivisions within the meaning of this chapter, if no new streets are created:

A. Divisions of land found by the Planning Board or Subdivision Committee to be for agricultural purposes where all resulting parcels are five acres or larger in size.

B. Divisions of property by testamentary or intestate provisions.

C. Divisions of property by court order, including but not limited to judgments of foreclosure.

D. Consolidation of existing lots by deed or other recorded instrument.

E. The conveyance of one or more adjoining lots, tracts or parcels of land owned by the same person or persons and all of which are found and certified by the Zoning Officer to conform to the requirements of this chapter and are shown and designated as separate lots, tracts or parcels on the Tax Map or atlas of the Village.

SUBDIVISION COMMITTEE — A Committee of at least three Planning Board members appointed by the Chairman of the Board for the purpose of reviewing subdivisions in accordance with the provisions of this chapter and such other duties relating to land subdivision which may be conferred on this Committee by the Board.

TEMPORARY CERTIFICATE OF OCCUPANCY — A certificate permitting the occupancy of any building or structure prior to the full completion, provided that such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare.

TEMPORARY STORAGE CONTAINER — A container designed for the outdoor storage of personal property for temporary use and delivered and removed by vehicle. Temporary storage containers shall include 1/2 cargo containers with a maximum length of 26 feet. Temporary storage containers shall not be utilized for operating a business. Temporary storage containers shall hereinafter be referred to as "pods."**[Added 1-16-2019 by Ord. No. 3695]**

TRADE OFFICES AND SHOPS — The business office of a tradesperson such as an electrician, carpenter, plumber, which may include a workshop area in which materials, tools, and equipment are stored, and light fabrication that does not produce detectable noise, odor, light, vibration, smoke, fumes, or other nuisance outside the enclosed facility.**[Added 6-12-2024 by Ord. No. 4002]**

TRANSCRIPT — The typed or printed verbatim record of the proceedings or reproduction thereof.

STORAGE WAREHOUSES — A facility for the housing, storing, keeping, holding, or sheltering of goods, wares, merchandise, materials, articles, commodities, stock-in-trade, and the like on a temporary or permanent basis for sales or distribution off-site.**[Added 6-12-2024 by Ord. No. 4002]**

USABLE AREA — A rectangular area on a lot, located and having dimensions as specified by the zone

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district regulations, encompassing the buildable area and adjacent environs, and located as required by the zone district regulations. In the case of a substandard lot having a rectangular area with dimensions less than required, the usable area shall be construed to be the largest rectangular area having dimensions less than or equal to the required dimensions, encompassing the buildable area and adjacent environs, and located as nearly as possible to that required by the zone district regulations.**[Added 7-18-2001 by Ord. No. 2744]**

VARIANCE — Permission to depart from the literal requirements of the zoning regulations, Article X of this chapter.

VETERINARY FACILITY — A commercial facility where animals are brought in for outpatient medical treatment or inpatient treatment that includes overnight stays for observation, further medical treatment or recuperation.**[Added 6-12-2024 by Ord. No. 4002]**

VILLAGE RESIDENT — A person who is domiciled in the Village of Ridgewood.**[Added 3-9-1999 by Ord. No. 2657]**

WATERCOURSE — Any natural swale, stream, brook or river which is the natural course of storm- or running water through which water flows ordinarily and frequently but not necessarily continuously. This definition includes watercourses which have been artificially realigned or improved.

WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation," as designated and approved by the New Jersey Department of Environmental Protection using a three-parameter approach (i.e., hydrology, soils and vegetation).**[Added 7-18-2001 by Ord. No. 2744]**

WETLAND TRANSITION AREA — An area of land adjacent to a freshwater wetland which minimizes adverse impacts on the wetland or serves as an integral component of the wetlands ecosystem, as designated and approved by the New Jersey Department of Environmental Protection.**[Added 7-18-2001 by Ord. No. 2744]**

WHOLESALE SALES — Establishments or places of business engaged in selling merchandise to other businesses, including retailers; industrial, commercial, institutional, or professional business users; and other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Wholesale sales facilities are distinct from retail sales in that they do not offer service to the general public.**[Added 6-12-2024 by Ord. No. 4002]**

WINDOW — Any opening in the exterior wall or roof of any structure for the purpose of admitting air or light, whether or not covered with glass, plastic or other coverings.

WINDOW AREA — The area of glass of the facade, including mullions of a single window unit, located between structural elements of the building.**[Added 9-11-2019 by Ord. No. 3741]**

WINDOW DISPLAY — A display of products, articles or merchandise (including mannequins) in a retail window, designed to advertise or attract consumers or customers. This can include photographs, artwork (with no letters or numerals, unless on the product) and may not be any closer than one foot from the glass.**[Added 9-11-2019 by Ord. No. 3741]**

WINDOW SIGN — Any sign as defined herein, that is located within four feet of the window and is plainly visible from the exterior of the building.**[Added 9-11-2019 by Ord. No. 3741]**

WINDOW SPACE — The aggregate square foot of all windows on any given side and any given story of any structure, regardless of the angle or angles at which they are set, and in computing window space, there shall be included all portions of any door which, if part of any exterior wall, does contain any window.

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YARD, FRONT**[Amended 2-11-2004 by Ord. No. 2862; 4-12-2017 by Ord. No. 3591]** —

A. On interior lots, that space extending across the full width of the lot and located between the front lot line and the nearest principal building or principal structure located on said lot.

B. On corner lots, the two or more spaces extending across the full width and/or depth of the lot, as applicable, and the nearest principal building or principal structure located on said lot.

C. On through lots, the spaces defined as above for interior and corner lots, and further defined as follows:

(1) One front yard is a space extending across the full width of the lot and located between the front lot line and the front of the principal building, as determined by the Zoning Officer.

(2) The other front yard(s) is/are a space or spaces extending across the full width of the lot and located between the other front lot line(s) and the minimum required front yard setback line from such other front lot line(s).

D. The depth of the front yard(s) shall be measured perpendicular to the street right-of-way line.

E. See yards illustration, below, for examples using various lot configurations. For uncommon lot configurations, the Zoning Officer shall determine the front, rear and side yards, as set forth in § 190-119A(5).

YARD, REAR**[Amended 2-11-2004 by Ord. No. 2862; 4-12-2017 by Ord. No. 3591]** —

A. On interior lots, the space extending across the full width of any lot and lying between the rear lot line(s) and the nearest principal building or principal structure located on said lot.

B. On corner lots, a space extending between one front yard, the rear lot line(s), the side lot line(s) located opposite the front yard, and the nearest principal building or structure located on said lot.

C. On through lots, the space located between the other front yard(s) defined for through lots in "yard, front" above and the nearest principal building or principal structure located on said lot.

D. The depth of the rear yard shall be measured perpendicular to the rear lot line.

E. See yards illustration, below, for examples using various lot configurations. For uncommon lot configurations, the Zoning Officer shall determine the front, rear and side yards, as set forth in § 190-119A(5).

YARD, SIDE**[Amended 2-11-2004 by Ord. No. 2862; 4-12-2017 by Ord. No. 3591]** —

A. On interior lots, the spaces located between the front yard, rear yard, the side lot lines and the nearest principal building or principal structure located on said lot.

B. On corner lots, the space located between the front yard, rear yard, side lot line and the nearest principal building or principal structure located on said lot.

C. On through lots, the space(s) located between the first front yard defined for through lots in "yard, front" above, the rear yard, the side lot line(s) and the nearest principal building or principal structure located on said lot.

D. The depth of the side yard(s) shall be measured perpendicular to the side lot line(s).

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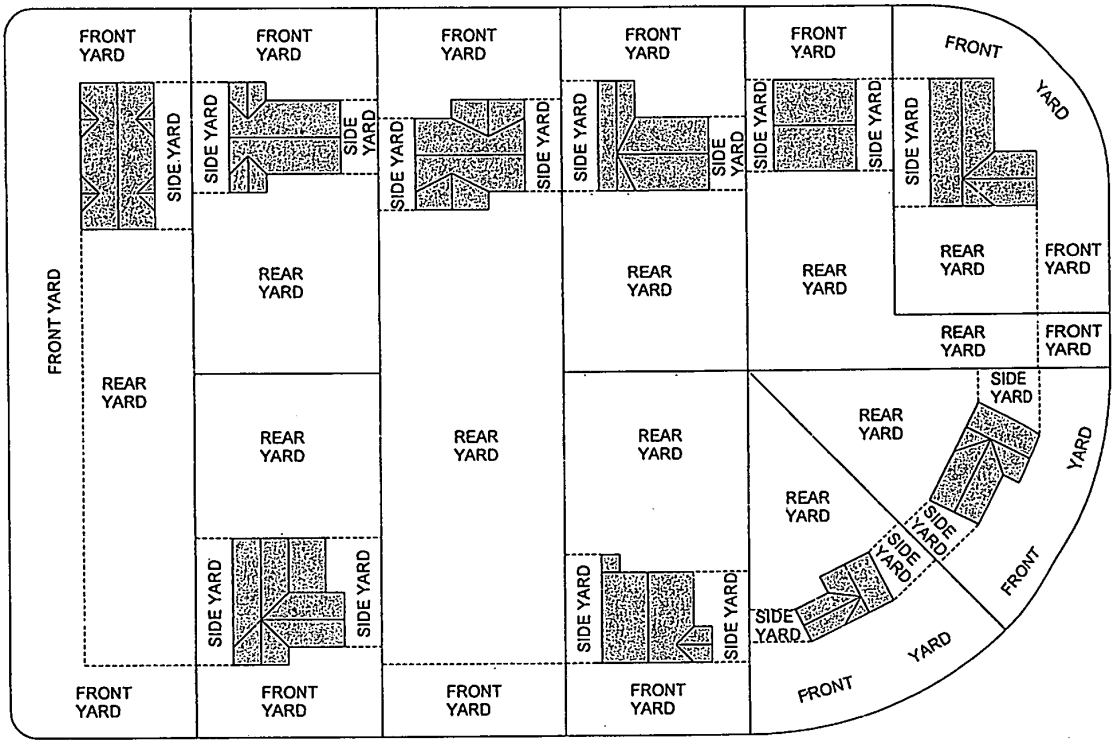
E. See yards illustration, below, for examples using various lot configurations. For uncommon lot configurations, the Zoning Officer shall determine the front, rear and side yards, as set forth in § 190-119A(5).



FRONT, SIDE AND REAR YARDS-EXAMPLES

ZONE — See "zoning district" below.

ZONING DISTRICT — An area delineated by this chapter within which uniform regulations and requirements govern the use, placement, spacing and size of land and buildings.

ZONING PERMIT — A document signed by the Zoning Officer which is required by this chapter as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building and which acknowledges that such use, structure or building complies with the provisions of the zoning regulations or variance therefrom duly authorized by a Village agency pursuant to the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.**[Added 4-9-2008 by Ord. No. 3109]**

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ARTICLE III
Boards and Commissions

§ 190-4. Planning Board.

There is hereby established in the Village of Ridgewood a Planning Board of nine members and up to two alternates, pursuant to the Municipal Land Use Law.[16]

A. Membership; appointment. The Planning Board shall consist of four classes of members, plus alternates, as follows:

(1) Class I: The Mayor of the Village, or the Mayor's designee in the absence of the Mayor.

(2) Class II: One of the officials of the Village other than a member of the Village Council, to be appointed by the Mayor.

(3) Class III: A member of the Village Council to be appointed by it.

(4) Class IV: Six Village residents to be appointed by the Village Council. The members of Class IV shall hold no other municipal office, position or employment, except that one such member may be a member of the Zoning Board of Adjustment or Historic Preservation Commission and one such member may be a member of the Board of Education. For the purpose of this qualification, membership on a municipal board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office. **[Amended 3-9-1999 by Ord. No. 2657]**

(5) One member of the Environmental Commission, if one exists, shall be a Class IV member, unless there is among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment or Historic Preservation Commission and a member of the Board of Education, in which case the member common to the Planning Board and the Environmental Commission shall be deemed a Class II member of the Planning Board.

(6) There shall be up to two alternate members of the Planning Board, appointed by the Village Council. Alternate members shall meet the qualifications of Class IV members of the Planning Board. If more than one alternate member is appointed, they shall be designated at the time of appointment by the Village Council as "Alternate No. 1" and "Alternate No. 2."

B. Terms of office. The terms of office for Planning Board members shall be as follows:

(1) The term of the Class I member shall correspond to the Mayor's official tenure, or if the member is Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure.

(2) The terms of the Class II and Class III members shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission.

(3) The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever occurs first.

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16. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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(4) The term of a Class IV member who is also a member of the Zoning Board of Adjustment or Board of Education shall terminate when he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first.

(5) The terms of all Class IV members shall be for four years, except as provided otherwise herein.

(6) The terms of alternate members shall be for two years, except that if more than one alternate member is appointed, the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years.

(7) All terms shall run from the July 1 preceding the date on which the appointment is made.

(8) Nothing contained herein shall affect the terms of any present members of the Planning Board, all of whom shall continue as members until the completion of the terms for which they were appointed.

C. Planning Board committees. The Planning Board Chairman may appoint from among the members of the Board a Subdivision and Site Plan Committee to review, report and make recommendations to the full Board regarding subdivision and site plan applications pending before the Board. The Planning Board Chairman may also appoint from among the members of the Board such other committees as the Chairman may deem advisable in carrying out the functions of the Planning Board.

D. Powers and duties of the Planning Board. The Planning Board shall follow the provisions of the Municipal Land Use Law[17] and this chapter, and accordingly shall have authority to:

(1) Prepare, adopt and amend a Master Plan or component part thereof.

(2) Exercise control over and review of subdivisions, site plans and conditional uses, including certain variances and building permits. Notwithstanding the above, the Planning Board shall not have the power to review and approve site plans, subdivisions or conditional uses when such applications involve a "D" variance.

(3) Perform informal review of concept plans for development as provided by this chapter.

(4) Make recommendations to the Village Council concerning adoption or amendment of development regulations and an Official Map.

(5) Direct the issuance of building permits for buildings or structures in certain areas shown on an Official Map, when such building permits also require subdivision, site plan or conditional use approval.

(6) Direct the issuance of building permits for buildings or structures on a lot not related to a street, when such building permits also require subdivision, site plan or conditional use approval.

(7) Make recommendations to the Village Council and/or any housing, parking, highway, special district or other authority, redevelopment agency, school board or other similar public agency, state, county or municipal, concerning the relationship of capital projects to the Master Plan pursuant to N.J.S.A. 40:55D-31.

(8) Prepare a capital improvements program, if authorized by the Village Council.

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17. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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(9) Participate in the preparation and review of programs or plans required by state or federal law or regulation.

(10) Assemble data on a continuing basis as part of a continuous planning process.

(11) Perform such other advisory duties as are assigned to it by ordinance or resolution of the Village Council for the aid and assistance of the Village Council or other agencies or officers.

§ 190-5. Zoning Board of Adjustment.

There is hereby established in the Village of Ridgewood a Zoning Board of Adjustment of seven members and up to two alternates, pursuant to the Municipal Land Use Law.[18]

A. Membership; appointment. Qualifications for and appointment as members of the Zoning Board of Adjustment shall be as follows:

(1) No member may hold any elective office or position under the Village.

(2) All members shall be citizens of the Village of Ridgewood.

(3) All members shall be appointed by the Village Council.

(4) If more than one alternate member is appointed, they shall be designated as "Alternate No. 1" and "Alternate No. 2" by the Village Council at the time of appointment.

B. Terms of office. The terms of office for Zoning Board of Adjustment members shall be as follows:

(1) The terms of regular members shall be for four years.

(2) The terms of alternate members shall be for two years, except that if more than one alternate member is appointed, the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years.

(3) All terms shall run from the July 1 preceding the date on which the appointment is made.

(4) Nothing contained herein shall affect the terms of any present members of the Zoning Board of Adjustment, all of whom shall continue as members until the completion of the terms for which they were appointed.

C. Powers and duties of the Zoning Board of Adjustment. The Zoning Board of Adjustment shall follow the provisions of the Municipal Land Use Law[19] and this chapter and accordingly shall have authority to:

(1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the Zoning Officer based on or made in the enforcement of the zoning regulations.

(2) Hear and decide requests for interpretation of the Zoning Map or zoning regulations or for decisions upon other special questions upon which the Board is authorized to pass by any zoning regulation or Official Map regulation, in accordance with this chapter and the Municipal Land

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18. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

19. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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Use Law.[20]

(3) Hear and decide requests for variances. Notwithstanding the above, the Zoning Board of Adjustment shall not have the power to hear and decide variances if the application also requires subdivision, site plan or conditional use approval, unless the application involves a "D" variance.

(4) Exercise control over and review of subdivisions, site plans and conditional uses, only when such applications involve a "D" variance.

(5) Direct the issuance of building permits for buildings or structures in certain areas shown on an Official Map, unless such building permits also require subdivision, site plan or conditional use approval.

(6) Direct the issuance of building permits for buildings or structures on a lot not related to a street, unless such building permits also require subdivision, site plan or conditional use approval.

(7) Prepare at least once a year a report for the Village Council and Planning Board, based upon its review of its decisions on applications and appeals for variances since any previous report. The report shall be adopted by resolution of the Zoning Board of Adjustment and shall comment on the zoning regulations which were the subject of variance requests and shall make recommendations for any amendments to the zoning regulations that the Board may deem appropriate based upon prior variance applications.

§ 190-6. Historic Preservation Commission.

There is hereby reconstituted a Commission in the Village of Ridgewood to be known as "The Ridgewood Historic Preservation Commission," pursuant to the authority of N.J.S.A. 40:55D-107 et seq. The Commission shall consist of seven regular members and one alternate member, all of whom shall serve without compensation.

A. Membership; appointment. The Mayor shall appoint all members of the Commission and shall designate at the time of appointment the regular members by class and the alternate member. At the time of appointment, members shall be designated by the classes described below. Of the seven regular members, at least three members shall be of Classes A and B. At least one member shall be of Class A and at least one member shall be of Class B.

(1) Class A: a person who is knowledgeable in building design and construction or architectural history and who may reside outside the Village.

(2) Class B: a person who is knowledgeable or with a demonstrated interest in local history and who may reside outside the Village.

(3) Class C: citizens of the Village who shall hold no other municipal office, position or employment except for membership on the Planning Board or Board of Adjustment.

(4) Alternate member. The alternate member shall meet the qualifications of Class C members.

B. Terms of office. The terms of office for Historic Preservation Commission members shall be as follows:

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20. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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(1) The terms of the members first appointed to the reconstituted Commission shall be so determined that to the greatest practical extent the expiration of the terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment, and in the case of alternate members, evenly over the first two years after their appointment, provided that the initial term of no regular member shall exceed four years and that the initial term of no alternate member shall exceed two years. Thereafter, the term of a regular member shall be four years; the term of an alternate member shall be two years.

(2) Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board shall be for the term of membership on the Planning Board; and the term of any member common to the Historic Preservation Commission and the Zoning Board of Adjustment shall be for the term of membership on the Zoning Board of Adjustment.

C. Responsibilities of Commission.

(1) The Historic Preservation Commission shall have the following duties and responsibilities:

(a) To identify, record and maintain a system for survey and inventory of all buildings, sites, places, landmarks and structures of historical or architectural significance based on the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Standards and Guidelines for Identification); and to aid the public in understanding their worth, methods of preservation, techniques of gathering documentation and related matters.

(b) To advise the Planning Board on the relationship of the Historic Preservation Plan Element of the Master Plan to other Master Plan elements.

(c) To advise the Planning Board on the inclusion of historic sites and landmarks in the recommended Capital Improvement Program.

(d) To advise the Planning Board and Zoning Board of Adjustment on applications for development pursuant to N.J.S.A. 40:55D-110.

(e) To provide written reports pursuant to N.J.S.A. 40:55D-111 on the application of the zoning provisions concerning historic preservation.

(f) To carry out such other advisory, educational and informational functions as will promote historic preservation in the Village.

(2) The Commission shall have all of the responsibilities detailed in N.J.S.A. 40:55D-109 and as the same may hereafter be amended and supplemented.

D. Member participation. The following provisions shall govern participation of members of the Historic Preservation Commission, in addition to any other provisions that may apply by law:

(1) Conflict of interest. No regular, alternate or temporary member shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Unless a member resides or owns property within 200 feet of property which is the subject of an application, mere residence in a designated historic district and/or ownership of a designated historic site or a nondesignated site within a district shall not be deemed a personal or financial interest.

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(2) Participation of alternate members. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of regular members. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.

§ 190-7. General provisions applicable to Planning Board, Zoning Board of Adjustment and Historic Preservation Commission.

A. Vacancies. A vacancy in any membership position, including alternate members, occurring otherwise than by expiration of term shall be filled for the unexpired term only. Appointment of members to fill vacant positions shall be as above provided.

B. Removal of members. Any member or alternate member, other than the Class I member of the Planning Board, after a public hearing if requested by the member, may be removed by the Village Council for cause. Such hearing shall be conducted pursuant to the dictates of due process. The accused member shall receive at least 30 days written notice of the hearing, which notice shall include the specific charges made. The accused member shall have the right to counsel. In the event that any member(s) of the Council have brought the charges, said Council member(s) shall not participate in the removal hearing or action.

C. Officers. Each Board or Commission shall elect a Chairperson and Vice Chairperson from their members, provided that in the case of the Planning Board, only Class IV members may hold such positions, and provided further that in the case of the Planning Board and the Zoning Board of Adjustment, no alternate members shall hold such positions. Each Board and Commission shall select a Secretary, who may or may not be a member or alternate member or municipal employee. **[Amended 3-9-1999 by Ord. No. 2657]**

D. Attorney, other experts and staff. There is hereby created the positions of Attorney for the Planning Board and Attorney for the Zoning Board of Adjustment. Each Board may employ or contract for and fix the compensation of legal counsel to fill such positions, who shall not be the Village Attorney. The Historic Preservation Commission shall obtain its legal counsel from the Village Attorney at the rate of compensation determined by the Village Council, unless the Village Council by appropriation provides for separate legal counsel for the Commission. Each Board or Commission may also employ or contract for and fix the compensation of a licensed professional planning consultant or such other additional experts, staff and services as it may deem necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the Village Council for the Board's or Commission's use.

E. Funding of expenses. The Village Council shall make provision in its budget and appropriate funds for the expenses of the Planning Board, the Zoning Board of Adjustment and the Historic Preservation Commission.

§ 190-8. Additional provisions applicable to Planning Board and Zoning Board of Adjustment.

A. Rules and regulations. The Planning Board and Zoning Board of Adjustment shall adopt and may amend reasonable rules and regulations not inconsistent with this chapter, the Municipal Land Use Law[21] or with any applicable ordinance for the administration of their functions, powers and duties. A copy of the rules shall be maintained in the office of the Board Secretary and shall be furnished to any person upon request. A reasonable fee may be charged for provision of a copy of the rules.

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21. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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B. Meetings. The following provisions shall apply to the meetings of the Planning Board and Zoning Board of Adjustment:

(1) Schedule of meetings; special meetings. Each Board shall by its rules fix the time and place for holding its regular meetings. Regular meetings of each Board shall be scheduled not less than once a month and shall be held as scheduled unless canceled for lack of applications for development to process. The schedule of meetings shall be filed with the Village Clerk, posted upon the Village bulletin board and sent to two newspapers with circulation in the Village, one of which shall be the official newspaper of the Village. Each Board may provide for special meetings at the call of the Chairman or on the request of any two of its members.

(2) Meetings open to public; executive sessions. All regular meetings and special meetings shall be open to the public except to the extent that the public may be excluded from any such meeting or portion thereof in accordance with requirements of the Open Public Meetings Act (P.L. 1975, c. 231, N.J.S.A. 10:4-6 et seq.). Meetings shall be held on notice to the Board members and the public in accordance with this chapter and the Open Public Meetings Act. An executive session for the purpose of discussing and studying any matters to come before the agency shall not be deemed a regular or special meeting within the meaning of this chapter.

(3) Quorum; conflict of interest; appointment of additional members. No action shall be taken at any meeting without a quorum being present. No regular, alternate or temporary member shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest.

(a) If the Planning Board lacks a quorum because any of its regular or alternate members is prohibited from acting on a matter due to a conflict of interest, regular members of the Zoning Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board. Regular members of the Zoning Board of Adjustment shall be called in order of seniority of continuous service to the Zoning Board of Adjustment. If a choice has to be made between regular members of equal seniority, the Chairman of the Zoning Board of Adjustment shall make the choice. There shall be called only the minimum number of members of the Zoning Board of Adjustment as are necessary to establish a quorum of the Planning Board to act on the matter.

(b) If the Zoning Board of Adjustment lacks a quorum because any of its regular or alternate members is prohibited from acting on a matter due to a conflict of interest, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Zoning Board of Adjustment. Class IV members of the Planning Board shall be called in order of seniority of continuous service to the Planning Board. If a choice has to be made between Class IV members of equal seniority, the Chairman of the Planning Board shall make the choice. There shall be called only the minimum number of Class IV members of the Planning Board as are necessary to establish a quorum of the Zoning Board of Adjustment to act on the matter.

(4) Majority vote required. All actions shall be taken by a majority vote of the members of the Board present at the meeting, except as otherwise provided by this chapter and the Municipal Land Use Law.[22]

(5) Participation of alternate members. Alternate members may participate in all matters but may not vote except in the absence or disqualification of regular members of any class. Participation

22. **Editor's Note: See N.J.S.A. 40:55D-1 et seq.**

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of alternate members shall not be deemed to increase the size of the Planning Board or Zoning Board of Adjustment. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote. **[Amended 3-9-1999 by Ord. No. 2657]**

(6) Minutes. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be available for public inspection during normal business hours at the office of the Board Secretary after their approval by the Board. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party may be charged a reasonable fee for reproduction of the minutes for his use.

C. Exclusive authority of Boards. Any power expressly authorized by this chapter or the Municipal Land Use Law[23] to the Planning Board or the Zoning Board of Adjustment shall not be exercised by any other body, except as otherwise provided by the Municipal Land Use Law.

23. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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ARTICLE IV
Hearings

§ 190-9. When required.

Public hearings shall be required for the following:

A. The Planning Board or Zoning Board of Adjustment, as applicable, shall hold a hearing on each application for development.

B. The Planning Board shall hold a hearing on any adoption, revision or amendment of the Master Plan.

C. The Planning Board or Village Council, as applicable, shall hold a hearing on any adoption, revision or amendment of the Capital Improvement Program.

D. The Zoning Board of Adjustment shall hold a hearing on appeal from the action of the Construction Official or Zoning Officer concerning the zoning regulations, or other administrative appeal within its jurisdiction.

E. The Zoning Board of Adjustment shall hold a hearing on every request for an interpretation of the zoning regulations or request pertaining to a special question within the Board's jurisdiction.

F. The Village Council shall hold a hearing on any adoption, revision or amendment of this chapter or any other development regulation.

G. The Village Council shall hold a hearing on appeal from the action of the Zoning Board of Adjustment approving an application for development involving a "D" variance.

§ 190-10. Rules; hearing dates.

The agency holding the hearing shall make the rules governing such hearings. Upon the filing of an appeal or complete application, the appropriate agency shall schedule a hearing date in accordance with its rules.

§ 190-11. Notice of hearing; when required.

Public notice as specified herein shall be given for all hearings involving the following:

A. Any application for development which involves a request for a variance or any appeal specified in §§ 190-29, 190-30, 190-31 and 190-32.

B. An application for preliminary site plan approval, exclusive of a minor site plan.

C. An application for preliminary major subdivision approval.

D. The adoption, revision or amendment of the Master Plan.

E. The adoption, revision or amendment of this chapter or any other development regulation.

F. The adoption, revision or amendment of the Capital Improvement Program.

G. Any appeal to the Village Council from the action of the Zoning Board of Adjustment approving an application for development involving a "D" variance.

H. An extension of approvals for five or more years under §§ 190-46D and 190-47K. **[Added 3-9-1999 by Ord. No. 2657]**

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I. Modification or elimination of a significant condition or conditions in a memorializing resolution in any situation wherein the application for development for which the memorializing resolution is proposed for adoption required public notice. **[Added 3-9-1999 by Ord. No. 2657]**

§ 190-12. Notice of hearings for development applications.

The following provisions shall apply to public notice of hearings for development applications:

A. Content. Public notice of hearings for development applications, including variance applications, shall state the following:

(1) The date, time and place of the hearing and which board is to hear the application;

(2) The nature of the matters to be considered; provided that when conditional use approval, variance relief or the issuance of a permit pursuant to this chapter is requested, the notice shall include reference to the request for conditional use approval, variance or direction for issuance of a permit, as the case may be;

(3) An identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Village Tax Assessor's office; and

(4) The location and times at which any maps and documents for which approval is sought are available for inspection in the office of the Board Secretary.

B. Service of notice; parties entitled to notice. Public notice shall be given by the applicant. Notice shall be given at least 10 days prior to the date of the hearing. The date of the hearing shall not count as one of the 10 days. Public notice shall be given by publication in the official newspaper of the Village, if there is one, or in a newspaper of general circulation in the Village. Notice shall also be given to members of the public as follows:

(1) Notice of hearing shall be given to the owners, as shown on the current tax duplicates, of all real property located within the state and within 200 feet in all directions of the property which is the subject of such hearing. This requirement shall be deemed satisfied by notice to the condominium association, in the case of any unit owner whose unit has a unit above or below it, or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given as follows:

(a) Notice shall be given by serving a copy thereof on the property owner as shown on said current tax duplicate, or his agent in charge of the property; or mailing a copy thereof by certified mail to the property owner at his address as shown on said current tax duplicate.

(b) Notice to a partnership owner may be made by service upon any partner.

(c) Notice to a corporate owner may be made by service upon its President, a Vice President, Secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

(d) Notice to a condominium association, because of its ownership of common elements or areas located within 200 feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas.

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(2) Notice of hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality.

(3) Notice shall be given by personal service or certified mail to the County Planning Board of hearings on applications for development involving property adjacent to an existing county road or proposed road shown on the Official County Map or on the County Master Plan, adjoining other county land or situated within 200 feet of a municipal boundary.

(4) Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development involving property adjacent to a state highway.

(5) Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. The notice shall include a copy of any maps or documents required to be on file with the Board Secretary pursuant to the checklists contained in Article VIII of this chapter.

(6) Notice of hearings on an application for development involving a major subdivision or preliminary site plan, excluding minor site plans, shall be given to a public utility, cable television company or local utility which possesses a right-of-way or easement within the Village and which has registered with the Village, in accordance with the Municipal Land Use Law,[24] by serving a copy of the notice on the person whose name appears on the registration form on behalf of the public utility, cable television company or local utility or mailing a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on that form.

C. Request for certified list of property owners within 200 feet. Upon written request of an applicant, the Board Secretary shall request the Tax Assessor to make and certify, within seven days, a list from the current tax duplicates of the names and addresses of owners to whom the applicant is required to give notice. In addition, the Tax Assessor shall include on the list the names, addresses and positions of those persons who, not less than seven days prior to the date on which the applicant requested the list, have registered to receive notice as a public utility, cable television company or local utility. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner or to any public utility, cable television company or local utility not on the list shall not invalidate any hearing or proceeding.

D. Effect of mailing notice. Any notice made by certified mail as stipulated above shall be deemed complete upon mailing.

E. Proof of service of notice. The applicant for development shall file an affidavit of proof of service with the Planning Board or the Zoning Board of Adjustment, as appropriate, at least two days prior to the date of the hearing for which notice is required.

§ 190-13. Notice of hearings for the Master Plan.

The following provisions shall apply to public notice of hearings for adoption, revision or amendment of the Master Plan:

A. Content. Public notice of hearings for adoption, revision or amendment of the Master Plan shall state

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24. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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the following:

(1) The date, time and place of the hearing;

(2) The nature of the matters to be considered; and

(3) The location and times at which any maps and documents which are the subject of said adoption, revision or amendment are available for inspection in the office of the Board Secretary.

B. Service of notice; parties entitled to notice. Notice shall be given by the Planning Board at least 10 days prior to the date of the hearing. The date of the hearing shall not count as one of the 10 days. Public notice shall be given by publication in the official newspaper of the Village, if there is one, or in a newspaper of general circulation in the Village. Notice shall also be given to the following parties as specified below:

(1) Notice shall be given by personal service or certified mail to the Clerk of an adjoining municipality of all hearings on adoption, revision or amendment of a Master Plan involving property situated within 200 feet of such adjoining municipality.

(2) Notice shall be given by personal service or certified mail to the County Planning Board of all hearings on the adoption, revision or amendment of the Village Master Plan. Such notice shall include a copy of any such proposed Master Plan or any revision or amendment thereto.

(3) Notice shall be given by personal service or certified mail to the County Planning Board of the adoption, revision or amendment of the Village Master Plan. Such notice shall be given not more than 30 days after the date of such adoption, revision or amendment and shall include a copy of the Master Plan or revision or amendment thereto.

C. Effect of mailing notice. Any notice made by certified mail as stipulated above shall be deemed complete upon mailing.

§ 190-14. Notice of hearings for development regulations or Capital Improvement Program.

The following provisions shall apply to public notice of hearings for adoption, revision or amendment of this chapter, other development regulations or the Capital Improvement Program:

A. Content.

(1) Public notice of hearings for adoption, revision or amendment of this chapter, other development regulation or the Capital Improvement Program shall provide the following:

(a) A statement of the date, time and place of the hearing;

(b) A statement of the nature of the matters to be considered; and

(c) The location and times at which any maps and documents which are the subject of said adoption, revision or amendment are available for inspection in the office of the Village Clerk.

(2) In the case of zone district classification or boundary changes requiring notice, the notice shall also provide an identification of the affected zoning districts and proposed boundary changes, if any, by street names, common names or other identifiable landmarks and by reference to lot and block numbers as shown on the current tax duplicate in the Village Tax Assessor's office.

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(3) In the case of notice to the County Planning Board, a copy of the proposed or adopted development regulation, Official Map, Capital Improvement Program or any proposed or adopted revision or amendment thereto, as the case may be, shall be included with the notice.

B. Service of notice; parties entitled to notice. Notice shall be given by the Village Council at least 10 days prior to the date of the hearing. The date of the hearing shall not count as one of the 10 days. Notice shall be given to the following parties as specified below:

(1) Notice shall be given by personal service or certified mail to the Clerk of an adjoining municipality of all hearings on adoption, revision or amendment of any development regulation involving property situated within 200 feet of such adjoining municipality.

(2) Notice shall be given by personal service or certified mail to the County Planning Board of all hearings on the adoption, revision or amendment of any development regulation.

(3) Notice of a hearing on an amendment to the zoning regulations, Article X of this chapter, which amendment proposes a change to the classification or boundaries of a zoning district, exclusive of classification or boundary changes recommended in a periodic general reexamination of the Master Plan by the Planning Board pursuant to N.J.S.A. 40:55D-89, shall be given in the following manner:

(a) Notice shall be given by serving a copy thereof on the property owner as shown on said current tax duplicate, or his agent in charge of the property, or mailing a copy thereof by certified mail and regular mail to the property owner at his address as shown on said current tax duplicate.

(b) Notice to a partnership owner may be made by service upon any partner.

(c) Notice to a corporate owner may be made by service upon its President, a Vice President, Secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

(d) Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the boundaries of the district which is the subject of the hearing, may be made in the same manner as to a corporation in addition to notice to unit owners, co-owners or homeowners on account of such common elements or areas.

(e) The Village Clerk shall execute affidavits of proof of service of the notices required herein for the hearings on zoning district classification or boundary changes and shall keep the affidavits on file along with the proof of publication of the notice of the required public hearing on the proposed zoning ordinance change. Costs of the notice provision shall be the responsibility of the proponent of the amendment.

(4) Notice shall be given by personal service or certified mail to the County Planning Board of the adoption, revision or amendment of the Village Capital Improvement Program or Official Map. Such notice shall be given not more than 30 days after the date of such adoption, revision or amendment.

C. Effect of mailing notice. Any notice made by certified mail as stipulated above shall be deemed complete upon mailing.

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§ 190-15. Filing deadline for maps and documents.

Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least 10 days before the date of the hearing, during normal business hours in the office of the Board Secretary. The applicant may produce other documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

§ 190-16. Witnesses; evidence.

The following provisions shall govern the testimony of witnesses and production of evidence at hearings conducted pursuant to this chapter:

A. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties. The provisions of the County and Municipal Investigations Law, P.L. 1953, c. 38 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

B. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer. The right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

C. Technical rules of evidence shall not be applicable to the hearing, but the agency may exclude irrelevant, immaterial or unduly repetitious evidence.

§ 190-17. Voting procedures.

The following voting procedures shall apply for public hearings held pursuant to this chapter. Nothing herein shall be construed to contravene any act providing for procedures for governing bodies.

A. All actions shall be taken by a majority vote of the members present at the hearing, except as otherwise provided by this chapter and the Municipal Land Use Law.[25]

B. A member of the Village agency who was absent for one or more of the meetings at which a hearing was held or was not a member of the Village agency at that time shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such member has available to him the transcript or recording of all of the hearings from which he was absent or was not a member, and certifies, in writing, to the agency that he has read such transcript or listened to such recording. **[Amended 3-9-1999 by Ord. No. 2657]**

C. Failure of a motion to receive the number of votes required to approve an application for development shall be deemed an action denying the application.

§ 190-18. Record of proceedings. [Amended 3-9-1999 by Ord. No. 2657]

The Village agency conducting the hearing shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The agency shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his expense, pursuant to the fees established by this chapter. Transcripts shall be certified, in writing, by the transcriber to be accurate.

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25. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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§ 190-19. Record of decision.

The Village agency shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The Village agency shall provide the findings and conclusions through either a resolution adopted at a meeting held within the time period provided in this chapter for action by the Village agency on the application for development or a memorializing resolution adopted at a meeting held not later than 45 days after the date of the meeting at which the Village agency voted to grant or deny approval. The following provisions shall apply to memorializing resolutions:

A. Only the members of the Village agency who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. If only one member who voted for the action attends the meeting at which the resolution is presented for adoption, the resolution may be adopted upon the vote of that member. **[Amended 3-9-1999 by Ord. No. 2657]**

B. An action to deny resulting from the failure of a motion to approve an application shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution.

C. The vote on any memorializing resolution shall be deemed to be a memorialization of the action of the Village agency and not to be an action of the municipal agency; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required in § 190-20.

D. If the Village agency fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time, and the cost of the application to Superior Court, including attorney's fees, shall be assessed against the Village.

§ 190-20. Mailing, filing and publication of decision.

Following adoption of the resolution of the Village agency, the resolution shall be mailed, filed and published as follows:

A. A copy of the decision shall be mailed by the Village agency within 10 days of the date of decision to the applicant or, if represented, then to his attorney, without separate charge, and to all who request a copy of the decision, for a fee as specified in Article V of this chapter.

B. A copy of the decision shall also be filed by the Village agency in the office of the Board Secretary. The Board Secretary shall make a copy of such filed decision available to any interested party for a fee as specified in Article V of this chapter, and available for public inspection at his office during the hours of 9:00 a.m. to 4:00 p.m.

C. A brief notice of the decision shall be published in the official newspaper of the Village, if there is one, or in a newspaper of general circulation in the Village. Such publication shall be arranged by the Board Secretary, provided that nothing contained in this chapter shall be construed as preventing the applicant from arranging such publication if he so desires. The Village shall instruct the newspaper to charge the applicant the cost of said publication. The published notice shall include a statement advising that copies of the resolution of the Board have been filed in the office of the Board and in the office of the Village Clerk and that such copies are available for inspection at said offices.

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ARTICLE V
Fees, Deposits, Guaranties and Other Payments

§ 190-21. Filing fees for development applications or appeals.

The following fees shall be required to be filed with any application, appeal or other matter pursuant to this chapter. Fees shall be nonrefundable and shall be paid by cashier's check, certified check, bank money order or cash to the Board Secretary. The filing fee shall be used to defray the administrative costs of processing the application or appeal. In the case of proposals requiring a combination of approvals, such as subdivision, site plan and/or variance(s), the applicant shall pay a fee equal to the sum of the fees for each required approval.

§ 190-22. Schedule of fees. [Amended 10-9-2002 by Ord. No. 2802]

In addition to those established elsewhere in this chapter, all applicants or appellants to the Planning Board, Zoning Board of Adjustment, Building Inspector or Village Council shall pay the applicable fees as set forth in Chapter 145, Fees. The filing fee for a concept plan for development shall be credited against the filing fee otherwise required for subdivision or site plan approval after review by the Planning Board of the concept plan. In addition, a special fee to fund affordable housing activities in the Village shall be required of certain development applications as set forth in § 145-8.

§ 190-23. Payment for professional services. [Amended 5-9-2007 by Ord. No. 3059]

The Chief Financial Officer of the Village shall pay professionals for all services rendered to the Village or approving authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of the Municipal Land Use Law and this chapter. At the time of filing of an application for development, appeal or other matter pursuant to this chapter, the applicant shall pay to the Secretary of the Board of Adjustment or the Planning Board, as applicable, a deposit, in accordance with the schedule in Subsection A below, to be used to reimburse the Village for said professional services. Deposits shall be paid by cashier’s check, certified check, bank money order or cash and shall be placed by the Village in an escrow account if required pursuant to § 190-26. In the case of proposals requiring a combination of approvals, such as subdivision, site plan and/or variance(s), the applicant shall deposit an amount equal to the sum of the deposits required for each application. Notwithstanding the above, if the Board determines that professional services are not required in order to process and review the application, no deposit shall be required. Professionals whose services may be subject to reimbursement from escrow accounts established pursuant to this chapter may include, but are not necessarily limited to, legal counsel for the Board of Adjustment, Planning Board or Village, as applicable, professional engineers and inspectors, professional planners, architects, landscape architects, traffic consultants, environmental consultants, surveyors, real estate appraisers and financial analysts, but shall not include the administrative or clerical staff of such professionals.

A. Schedule of deposits. The initial deposit for payment of professional services shall be as set forth on the schedule set forth in Chapter 145, Fees, provided that if the Board Secretary determines that a greater initial deposit than indicated on the schedule is necessary to reimburse the anticipated cost of professional services on a particular application, such as circulation-intensive sites requiring the services of a traffic engineering consultant, the applicant shall be required to deposit said greater amount.

B. Depletion of deposits. If an escrow account or deposit contains insufficient funds to enable the Village or approving authority to perform required application reviews or improvement inspections, the Chief Financial Officer of the Village shall provide the applicant with a notice of the insufficient escrow or

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deposit balance. In order for work to continue on the development or the application, the applicant shall within a reasonable time period post a deposit to the account in an amount to be agreed upon by the Village or approving authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.

C. Failure to maintain adequate deposit. No application shall be deemed complete and no formal action shall be taken by the Board until the initial deposit required by Subsection A above has been submitted. If the funds required by Subsection B above for professional services are not deposited in a timely manner, the Board Secretary shall notify the board having jurisdiction over the application. No further action shall be taken on the application unless the deposits have been made by the applicant as required above. In the event that the time for action by the Board or any extension thereof as required by this chapter shall expire prior to the payment of the required deposits, the Board may, at its discretion, dismiss the application.

D. Eligible charges against deposit. All professional charges for review of an application for development review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction. The following provisions shall apply:

(1) Application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the Village.

(2) Review fees shall be charged only in connection with an application for development presently pending before the approving authority or upon review of compliance with conditions of approval or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by any state governmental agency and not under Village jurisdiction except to the extent consultation with a state agency is necessary due to the effect of state approvals in the subdivision or site plan.

(3) Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approved development plans and documents.

(4) The only costs that shall be added to any such charges in Subsection D(1) through (3) above shall be actual out-of-pocket expenses of any such professionals or consultants including normal and typical expenses incurred in processing applications and inspecting improvements.

(5) The Village or approving authority shall not bill the applicant or charge any escrow account or deposit authorized herein for any Village clerical or administrative functions, overhead expenses, meeting room charges or any other Village costs and expenses except as provided for in this section, nor shall a Village professional add any such charges to his bill.

(6) If the Village retains a different professional or consultant in the place of the professional originally responsible for development application review or inspection of improvements, the Village or approving authority shall be responsible for all time and expenses of the new professional to become familiar with the application or the project, and the Village or approving authority shall not bill the applicant or charge the deposit or the escrow account for any such services.

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E. Rates of payment for professional services. If the salary, staff support and overhead for a professional are provided by the Village, the hourly rate charged to the deposit from said professional shall be at 200% of the sum of the products resulting from multiplying the hourly base salary, which shall be established annually by ordinance, of each of the professionals by the number of hours spent by the respective professional upon review of the application for development or inspection of the developer's improvements, as the case may be. For other professionals, the charge shall be at the same rate as all other work of the same nature by the professional for the Village when fees are not reimbursed or otherwise imposed on applicants or developers. Rates for professional services shall be in accordance with a schedule of professional fees filed annually with the Secretary of the Board of Adjustment or Planning Board, as applicable, and maintained in the office of the Village Clerk for public inspection. **[Amended 6-9-2010 by Ord. No. 3251]**

F. Vouchers for payment of professional services. Each payment charged to a deposit for the review of applications, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the professional. The processing of vouchers shall be in accordance with the following:

(1) The voucher shall identify the personnel performing the service and, for each date the services are performed, the hours spent to one-fourth-hour increments, the hourly rate and the expenses incurred.

(2) All professionals shall submit vouchers to the chief financial officer of the Village on a monthly basis in accordance with the schedules and procedures established by the Chief Financial Officer of the Village.

(3) If the services are provided by a Village employee, the Village employee shall prepare and submit to the Chief Financial Officer of the Village a statement containing the same information as required on a voucher, on a monthly basis.

(4) The professional shall send an informational copy of all vouchers or statements submitted to the Chief Financial Officer of the Village simultaneously to the applicant.

(5) The Chief Financial Officer of the Village shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are $1,000 or less, or on a monthly basis if monthly charges exceed $1,000.

G. Appeals of charges. An applicant shall notify in writing the Village council, with copies to the Chief Financial Officer of the Village, the approving authority and the professional, whenever the applicant disputes the charges made by a professional for service rendered to the Village in reviewing applications for development, review and preparation of documents, inspection of improvements or other charges made pursuant to the Municipal Land Use Law.[26] The following shall apply:

(1) An applicant shall file an appeal within 45 days from receipt of the informational copy of the professionals voucher required by § 102-23F(4), except that if the professional has not supplied the applicant with an informational copy of the voucher, then the applicant shall file his appeal within 60 days from receipt of the Village statement of activity against the deposit or escrow account required by § 102-23F(5).

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26. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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(2) The Village Council or its designee shall within a reasonable time period attempt to remediate any disputed charges.

(3) If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the county Construction Board of Appeals established under Section 9 of P.L. 1975, c. 217 (N.J.S.A. 52:27D-127) any charge to an escrow account or a deposit by any Village professional or consultant. An applicant or his authorized agent shall submit the appeal, in writing, to the County Construction Board of Appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the Village, approving authority and any professional whose charge is the subject of the appeal. The procedures followed by the County Construction Board of Appeals shall be as set forth in N.J.S.A. 40:55D-53.2b and c.

(4) An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six months to demonstrate that they represent a pattern of excessive or inaccurate charges. An applicant making use of this provision need not appeal each charge individually.

(5) During the pendence of any appeal, the Village or approving authority shall continue to process, hear and decide the application for development and to inspect the development in the normal course and shall not withhold, delay or deny reviews, inspections, signing of subdivision plats or site plans, the reduction or the release of performance and maintenance guaranties, the issuance of construction permits or certificates of occupancy or any other approval or permit because an appeal has been filed or is pending under this subsection. The Chief Financial Officer of the Village may pay charges out of the appropriate escrow account or deposit for which an appeal has been filed.

(6) If a charge is disallowed after payment, the Chief Financial Officer of the Village shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount to the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of the Village, the professional or consultant shall reimburse the Village in the amount of any such disallowed charge.

§ 190-24. Inspection fees.

The developer shall reimburse the Village for all reasonable inspection fees paid to the Director of Public Works for the inspection of improvements required pursuant to this chapter. Prior to the initiation of any construction approved pursuant to this chapter, the developer shall deposit with the Board Secretary sufficient funds to reimburse the Village for inspection fees paid to the Director of Public Works. Deposits shall be paid by cashier's check, certified check, bank money order or cash. The Director of Public Works shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit. Deposits shall be as set forth in Chapter 145, Fees. The following additional provisions shall apply to inspection fees:

A. Payment of inspection fee deposits by installment.

(1) For those developments for which the reasonably anticipated inspection fees are less than $10,000, inspection fee deposits may, at the option of the developer, be paid in two installments. The initial amount deposited by a developer shall be 50% of the reasonably anticipated inspection fees. When the balance on deposit drops to 10% of the reasonably anticipated inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Director of Public works for inspection, the developer shall deposit the remaining

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50% of the anticipated inspection fees.

(2) For those developments for which the reasonably anticipated inspection fees are $10,000 or greater, inspection fee deposits may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the reasonably anticipated fees. When the balance on deposit drops to 10% of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the Director of Public works for inspection, the developer shall make additional deposits of 25% of the reasonably anticipated fees.

B. Appeals of amount of deposit or amount of fee. Appeals of the amount required to be deposited for the payment of inspection fees or the amount charged for the inspection of improvements shall follow the procedures in § 190-23G.

§ 190-25. Performance and maintenance guaranties. [Amended 12-8-2021 by Ord. No. 3878]

Before recording of final subdivision plats or as a condition of final site plan approval or as a condition to the issuance of a zoning permit or to insure the construction of phased EVSE charging equipment, the Village Construction Official agency may require and shall accept performance and maintenance guaranties for the purpose of assuring the installation and maintenance of any and all on-tract improvements. Such performance and maintenance guaranties shall be in accordance with the following provisions:

A. Performance guaranties. The following provisions shall apply to the administration of performance guaranties:

(1) Amount of performance guaranty. The performance guaranty for the installation of those improvements required shall be in favor of the Village of Ridgewood in an amount equal to 120% of the cost of such improvements. The cost of said improvements shall be determined by the Village Engineer based on documented construction costs for public improvements prevailing in the general area of the Village. The Village Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guaranty, which estimate shall be appended to each performance guaranty posted by the obligor.

(2) Appeal of disputed performance guaranty amounts. The developer may appeal the Village Engineer's estimate of the cost of improvements for purposes of furnishing a performance guaranty. Such appeal shall be made in accordance with the procedures set forth in § 190-23G.

(3) Form of guaranty. At least 10% of the performance guaranty shall be in the form of cash or a certified check made payable to the Village of Ridgewood. The balance of the performance guaranty shall be in the form of any security issued by an institution authorized to issue such securities in the State of New Jersey and which may be accepted by the Village and approved by the Village Attorney, including but not limited to surety bonds, cash and letters of credit, provided that the Village shall only accept an irrevocable letter of credit if it:

(a) Constitutes an unconditional payment obligation of the issuer running solely to the Village for an express initial period of time in the amount determined pursuant to this chapter;

(b) Is issued by a banking or savings institution authorized to do and doing business in the State of New Jersey;

(c) Is for a period of at least one year; and

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(d) Permits the Village to draw upon the letter of credit if the obligor fails to furnish another letter of credit which complies with the provisions of this section 30 days or more in advance of the expiration date of the letter of credit or such longer period in advance thereof as is stated in the letter of credit.

(4) Time allowed for completion of improvements. The performance guaranty § 190-25 shall state the time period within which all improvements are to be installed by the developer. No performance guaranty shall run for a term longer than 18 months for general improvements and no more than 6 years for EVSE improvements, except for the as provided otherwise by this chapter.

(5) Extension of time allowed for completion of improvements. The time allowed for installation of the improvements for which the performance guaranty has been provided may be extended by the Village Council by resolution. As a condition or as part of any such extension, the amount of any performance guaranty shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation at the time of the resolution. The cost of installation shall be determined by the Village Engineer as provided herein for the initial cost determination.

(6) Failure to complete improvements within time specified. If the required improvements are not completed or corrected in accordance with the performance guaranty, the obligor and surety, if any, shall be liable thereon to the Village for the reasonable cost of the improvements not completed or corrected. The Village may, either prior to or after receipt of the proceeds thereof, complete such improvements or use said funds to restore the property to a safe condition so that the subject property in its unfinished development state does not adversely affect the public safety or adversely impact the environment. Such completion or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law.[27]

(7) Release of performance guaranty. Release of performance guaranties shall be in accordance with the following procedure:

(a) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements and the connection of the same to the public system, the obligor may request of the Village Council that the Village Engineer prepare a list of all uncompleted or unsatisfactory completed improvements. The request to the Village Council shall be made in writing by certified mail addressed to the Village Clerk, with a copy of the request to be sent to the Village Engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor.

(b) Upon receiving the obligor's request, the Village Engineer shall inspect all improvements covered by the obligor's request and shall file a detailed list and report, in writing, with the Village Council and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(c) The detailed list prepared by the Village Engineer shall be in accordance with the itemized cost estimate prepared by the Village Engineer, which estimate shall have been appended to the performance guaranty as required herein. The list prepared by the Village Engineer shall state, in detail, with respect to each improvement deter mined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete

27. Editor's Note: See N.J.S.A. 40A:11-1 et seq.

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improvement or the nature and extent of and remedy for the unsatisfactory state of each completed improvement determined to be unsatisfactory.

(d) The report prepared by the Village Engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guaranty relating to the completed and satisfactory improvement. The recommended reduction shall be in accordance with the itemized cost estimate prepared by the Village Engineer, which cost estimate shall have been appended to the performance guaranty as required herein.

(e) The Village Council, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Village Engineer or reject any or all of these improvements. The cause for any rejection shall be stated in the Council's resolution. If any portion of the required improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification as required herein shall be followed.

(f) For accepted improvements, the Village Council' shall approve and authorize the amount of reduction to be made in the performance guaranty relating to the improvements accepted. Any authorized reduction shall be in accordance with itemized cost estimate prepared by the Village Engineer, which cost estimate shall have been appended to the performance guaranty as required herein. The resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Village Engineer.

(g) Any partial reduction granted in the performance guaranty as provided herein shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guaranty.

(h) Upon adoption of the resolution by the Village Council, the obligor shall be released from all liability pursuant to its performance guaranty, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved, provided that 30% of the amount of the performance guaranty posted may be retained to ensure completion and acceptability of all improvements.

(8) Failure of Village Engineer or Council to act. If the Village Engineer or Village Council fails to act on the request for release of a performance guaranty within the time required herein, the obligor may apply to the court in the manner provided below; provided that nothing herein shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Village Council or the Village Engineer.

(a) If the Village Engineer fails to send or provide the list and report as requested by the obligor as required herein within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Village Engineer to provide the list and report within a stated time. The cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(b) If the Village Council fails to approve or reject the improvements determined by the Village Engineer to be complete and satisfactory or reduce the performance guaranty for the complete and satisfactory improvements within 45 days from the receipt of the Village Engineer's report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements

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and approval of a reduction in the performance guaranty for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Village Engineer, which cost estimate shall have been appended to the performance guaranty as required herein. The cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

B. Maintenance guaranties. After final acceptance of required improvements, a maintenance guaranty shall be required to be posted with the Village. Except as specifically provided otherwise below, maintenance guaranties shall be administered in the same manner as performance guaranties as provided by this chapter.

(1) Amount of maintenance guaranty. The maintenance guaranty shall be in favor of the Village of Ridgewood in an amount equal to 15% of the cost of such improvements. The cost of said improvements shall be determined by the Village Engineer in the same manner as provided herein for performance guaranties.

(2) Appeal of disputed maintenance guaranty amounts. The developer may appeal the Village Engineer's estimate of the cost of improvements for purposes of furnishing a maintenance guaranty. Such appeal shall be made in accordance with the procedures set forth in § 190-23G.

(3) Form of guaranty. The maintenance guarantee shall be in the form of any security issued by an institution authorized to issue such securities in the State of New Jersey and which may be accepted by the Village and approved by the Village Attorney, including but not limited to surety bonds, cash and letters of credit, provided that acceptance of irrevocable letters of credit shall be subject to the same conditions as provided herein for performance guaranties.

(4) Time required for maintenance guaranty. The maintenance guaranty shall be required to run for a period of two years, which shall be stated in the guaranty.

C. Exception for improvements related to other jurisdictions. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required by the Village for such utilities or improvements.

D. Final approval by stages or sections of development. In the event that final approval is by stages or sections of development as provided by this chapter, the provisions Of this section shall by applied by stage or section of development.

§ 190-26. Administration of deposits.

Deposits received for professional services employed by the Village to review applications for development, for Village inspection fees in accordance with this chapter or to satisfy the guaranty requirements of this chapter shall be administered in accordance with the following provisions:

A. Deposits to be held in escrow. Whenever an amount of money in excess of $5,000 shall be deposited by an applicant with the Village, the money, until repaid or applied to the purposes for which it is deposited, including the applicant's portion of the interest earned thereon, except as otherwise provided in this chapter, shall continue to be the property of the applicant and shall be held in trust by the Village. Deposits received pursuant to this article shall be held in escrow and deposited in a banking institution or savings and loan association in New Jersey insured by an agency of the federal government, or any other fund or depository approved for such deposits by the State of New Jersey.

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Such deposits shall be placed in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Village shall notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit.

B. Refund of deposits; interest. Any of the funds remaining in the deposit upon completion of the purpose for which the deposit was made shall be returned to the applicant and the account shall be terminated. For deposits over $5,000 placed in an interest bearing account pursuant to this chapter, refunds of interest shall be made as follows:

(1) The Village shall not be required to refund an amount of interest paid on a deposit which does not exceed $100 for the year.

(2) If the amount of interest exceeds $100 for the year, that entire amount shall belong to the applicant and shall be refunded to him by the Village annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be; except that the Village may retain for administrative expenses a sum equivalent to no more than 1/3 of that entire amount, which shall be in lieu of all other administrative and custodial expenses.

C. Procedure for closing of deposits and escrow accounts. The following close-out procedure shall apply to all deposits and escrow accounts established under the Municipal Land Use Law[28] and this chapter:

(1) In the case of application review escrows and deposits, the close-out of deposits and escrow accounts shall commence after the approving authority has granted final approval and signed the subdivision plat or site plan, or after the authority has denied the application or after the applicant has formally withdrawn the application.

(2) In the case of improvement inspection escrows and deposits, the close-out of deposits and escrow accounts shall commence after the improvements have been approved as provided in § 190-25.

(3) The applicant shall send written notice by certified mail to the Chief Financial Officer of the Village and the approving authority and to the relevant Village professional that the application is completed, denied or withdrawn or the improvements are completed, as the case may be.

(4) After receipt of such notice, the professional shall render a final bill to the Chief Financial Officer of the Village within 30 days and shall send a copy simultaneously to the applicant.

(5) The Chief Financial Officer of the Village shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest in accordance with Subsection B above, shall be refunded to the developer along with the final accounting.

§ 190-27. Approvals contingent upon payment; exemptions.

A. Approvals contingent upon payment of fees. All approvals granted by the Village pursuant to this chapter shall be conditional upon the payment of the fees and other payments required herein. If, after the date of an approval, the applicant shall fail to pay any and all outstanding fees and other payments, the Village may, at its discretion, void any approval which may have been granted.

B. Projects of the Village of Ridgewood and the Village of Ridgewood Board of Education shall be

28. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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exempt from the provisions of this article.

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ARTICLE VI
Appeals

§ 190-28. General appeals procedure.

It is the intent of this article to set forth the procedures for the various appeals to the Planning Board, Zoning Board of Adjustment and the Village Council as permitted by this chapter. In addition to the procedures set forth in the following sections for each type of appeal, the procedures set forth for review of site plan and subdivision applications in Article VII of this chapter shall apply, unless the context clearly indicates otherwise or unless contrary to law, including but not necessarily limited to the following:

A. The filing procedures in § 190-39.

B. The procedures for filing simultaneous applications in § 190-40.

C. The completeness review procedures in §§ 190-41 and 190-66.

D. The general review procedures in § 190-42.

E. The conditional approval provisions in § 190-49.

F. The default approval provisions in § 190-50.

G. The provisions for extensions and tolling of approvals in §§ 190-51 and 190-52, respectively.

H. The provisions for reservation of public areas, payment of taxes and assessments, disclosure of ownership and binding nature of approvals in §§ 190-61, 190-63, 190-64 and 190-65, respectively.

§ 190-29. Appeal alleging erroneous administrative officer decision.

Appeals to the Zoning Board of Adjustment may be taken by any interested party when it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the Zoning Officer or Construction Official of the Village based on or made in the enforcement of the zoning regulations, Article X of this chapter. The following provisions shall apply to such appeals:

A. Appeals must be taken within 20 days of the decision of the Zoning Officer or Construction Official.

B. A notice of appeal shall be filed with the Zoning Officer or Construction Official, specifying the grounds of the appeal. The officer from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

C. Fees required by this chapter shall be submitted with the notice of appeal, as well as proof of payment of taxes and assessments.

D. An appeal to the Zoning Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the officer from whose action the appeal is taken certifies to the Zoning Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the officer from whom the appeal is taken and on due cause shown.

E. A public hearing shall be held in accordance with the provisions for hearings in this chapter.

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F. The appellant shall give public notice of the hearing in the manner specified for development applications in this chapter, provided that the parties entitled to notice shall be as specified in § 190-12B(1) of this chapter. If the appeal is made by an interested party other than the owner of the property which was the subject of the decision by the Zoning Officer or Construction Official, notice shall also be sent to said property owner. Affidavits of proof of service of notice shall be submitted at least two business days prior to the hearing.

G. The Zoning Board of Adjustment may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end shall have all the powers of the officer from whom the appeal is taken.

H. The Zoning Board of Adjustment shall render a decision not later than 120 days after the date the appeal is taken from the Zoning Officer or Construction Official, or within such further time as may be consented to by the applicant.

I. The Zoning Board of Adjustment may refer an application pursuant to this section to any appropriate person or agency, including the Planning Board, for its report, provided that such reference shall not extend the period of time within which the Board shall act.

§ 190-30. Request for interpretation or other special questions.

The Zoning Board of Adjustment shall hear and decide requests for interpretation of the Zoning Map or zoning regulations, Article X of this chapter, or for decisions upon other special questions upon which the Board is specifically authorized to pass by this chapter. The following provisions shall apply to such requests:

A. An application form shall be completed and shall be accompanied by a specific written request which outlines that part of the Zoning Map, zoning regulations or Official Map for which an interpretation is sought or outlines the special question that the Board is asked to consider.

B. Twelve copies of the application form and all accompanying documentation shall be submitted to the Secretary of the Board.

C. Fees required by this chapter shall be submitted with the request, as well as proof of payment of taxes and assessments.

D. A public hearing shall be held in accordance with the provisions for hearings in this chapter.

E. The appellant shall publish notice of the hearing on the request in the official newspaper of the Village, if there is one, or in a newspaper of general circulation in the Village. If the request for interpretation or special question concerns a specific property, the appellant shall also give public notice of the hearing in the manner specified for development applications in this chapter, provided that the parties entitled to notice shall be as specified in § 190-12B(1) of this chapter. If the request is made by a person other than the owner of the specific property which is the concern of the interpretation or special question, notice shall also be sent to said property owner. Affidavits of proof of service of notice shall be submitted at least two business days prior to the hearing.

F. The Zoning Board of Adjustment may refer an application pursuant to this section to any appropriate person or agency, including the Planning Board, for its report.

§ 190-31. Appeal for issuance of permits for areas on Official Map.

Appeals to the Zoning Board of Adjustment may be taken from a refusal by the Construction Official to

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issue a permit for any building or structure in the bed of any street or public drainage way, flood control basin or public area reserved on the Official Map; provided that if the proposed development requires approval by the Planning Board of a subdivision, site plan or conditional use, the Planning Board shall also hear any appeal pursuant to this section. The following provisions shall apply to such appeals or applications:

A. A developer may file an application for development with the appropriate board under this section without prior application to the Construction Official. In addition, the developer may elect to submit a separate application requesting direction for the issuance of a permit and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate direction for the issuance of a permit shall be conditioned upon grant of all required subsequent approvals by the same Board that directed the issuance of a permit.

B. Any appeal or application pursuant to this section shall be required to submit 12 copies, if the Zoning Board of Adjustment has jurisdiction, or 20 copies, if the Planning Board has jurisdiction, of a map showing the property in question and the location of the proposed building and/or structure in relation to the bed of the mapped street or public drainage way, flood control basin or public area reserved on the Official Map. In addition, fees required by this chapter shall be submitted with the notice of appeal, as well as proof of payment of taxes and assessments.

C. An appeal pursuant to this section shall stay all proceedings in the same manner as specified in § 190-29D.

D. A public hearing shall be held in accordance with the provisions for hearings in this chapter.

E. The appellant shall give public notice of the hearing in the manner specified for development applications in this chapter; provided that the parties entitled to notice shall be as specified in § 190-12B(1) of this chapter. Affidavits of proof of service of notice shall be submitted at least two business days prior to the hearing.

F. The Zoning Board of Adjustment may reverse or affirm, wholly or in part, or may modify the refusal of the Construction Official and direct the issuance of a permit subject to the following provisions:

(1) There must be a showing by the appellant, and the Board must find, that the subject property cannot yield a reasonable return to the owner unless a building permit is granted.

(2) Any decision of the Board to direct the issuance of a permit pursuant to this section shall only be by an affirmative vote of a majority of the full authorized membership of the Board.

(3) Any decision of the Board to direct the issuance of a permit pursuant to this section shall be in accordance with terms and conditions which will as little as practicable increase the cost of opening such street, or tend to cause a minimum change of the Official Map, and the Board shall impose reasonable requirements as a condition of granting the permit so as to promote the health, morals, safety and general welfare of the public.

G. The Zoning Board of Adjustment shall render a decision not later than 120 days after the date an appeal is taken from the Construction Official or a development application is certified to be complete pursuant to this chapter, or within such further time as may be consented to by the applicant.

H. The Zoning Board of Adjustment may refer an application pursuant to this section to any appropriate person or agency, including the Planning Board, for its report; provided that such reference shall not extend the period of time within which the Board shall act.

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§ 190-32. Appeal for permits for lot not abutting a street.

Appeals to the Zoning Board of Adjustment may be taken from a refusal by the Construction Official to issue a permit for any building or structure on a lot which does not abut a street giving access to such building or structure, provided that if the proposed development requires approval by the Planning Board of a subdivision, site plan or conditional use, the Planning Board shall also hear any appeal pursuant to this section. The following provisions shall apply to such appeals or applications:

A. A developer may file an application for development with the appropriate board under this section without prior application to the Construction Official. In addition, the developer may elect to submit a separate application requesting direction for the issuance of a permit and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate direction for the issuance of a permit shall be conditioned upon grant of all required subsequent approvals by the same Board that directed the issuance of a permit.

B. Any appeal or application pursuant to this section shall be required to submit 12 copies, if the Zoning Board of Adjustment has jurisdiction, or 20 copies, if the Planning Board has jurisdiction, of a map showing the property in question and the manner by which access will be provided to the building and/or structure, including the location of the nearest street from which access may be obtained. In addition, fees required by this chapter shall be submitted with the notice of appeal, as well as proof of payment of taxes and assessments.

C. An appeal pursuant to this section shall stay all proceedings in the same manner as specified in § 190-29D.

D. A public hearing shall be held in accordance with the provisions for hearings in this chapter.

E. The appellant shall give public notice of the hearing in the manner specified for development applications in this chapter, provided that the parties entitled to notice shall be as specified in § 190-12B(1) of this chapter. Affidavits of proof of service of notice shall be submitted at least two business days prior to the hearing.

F. The Zoning Board of Adjustment may reverse or affirm, wholly or in part, or may modify the refusal of the Construction Official and direct the issuance of a permit subject to the following provisions:

   (1) There must be a showing by the appellant, and the Board must find, that the refusal to issue a permit would entail practical difficulty or hardship, or that the circumstances of the case do not require the building or structure to be related to a street.

   (2) Any decision of the Board to direct the issuance of a permit pursuant to this section shall be in accordance with terms and conditions which will provide adequate access for fire fighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety and that will protect any future street layout shown on the Official Map or on the circulation plan element of the Village Master Plan.

G. The Zoning Board of Adjustment shall render a decision not later than 120 days after the date an appeal is taken from the Construction Official or a development application is certified to be complete pursuant to this chapter, or within such further time as may be consented to by the applicant.

H. The Zoning Board of Adjustment may refer an application pursuant to this section to any appropriate person or agency, including the Planning Board, for its report, provided that such reference shall not extend the period of time within which the Board shall act.

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§ 190-33. "C" variance appeals.

Appeals to the Zoning Board of Adjustment may be taken for relief from the zoning regulations, Article X of this chapter. Notwithstanding the above, if the proposed development requires approval by the Planning Board of a subdivision, site plan or conditional use, the Planning Board shall also hear any such variance appeals, except for "D" variances. The following provisions shall apply to "C" variance appeals or applications:

A. A developer may file an application for development with the appropriate board under this section without prior application to the Zoning Officer or Construction Official.

B. The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance shall be conditioned upon grant of all required subsequent approvals by the same Board that approved the variance.

C. Any appeal or application pursuant to this section shall be required to submit the information required by the § 190-75.

D. An appeal pursuant to this section shall stay all proceedings in the same manner as specified in § 190-29D.

E. A public hearing shall be held in accordance with the provisions for hearings in this chapter.

F. The appellant shall give public notice of the hearing in the manner specified for development applications in this chapter, provided that the parties entitled to notice shall be as specified in § 190-12B(1) of this chapter. Affidavits of proof of service of notice shall be submitted at least two business days prior to the hearing.

G. The Zoning Board of Adjustment may grant a "C" variance to allow departure from the zoning regulations if there is a showing by the appellant, and the Board finds that:

   (1) The strict application of the specific zoning regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the developer of the subject property due to exceptional narrowness, shallowness or shape of the subject property, exceptional topographic conditions or physical features uniquely affecting the subject property or an extraordinary and exceptional situation uniquely affecting the subject property or the structures lawfully existing thereon; or that the purposes of the Municipal Land Use Law[29] would be advanced by the requested variance, and the benefits of the variance would substantially outweigh any detriment;

   (2) The variance can be granted without substantial detriment to the public good; and

   (3) The grant of the variance will not substantially impair the intent of the zone plan and zoning regulations.

H. The Zoning Board of Adjustment shall render a decision not later than 120 days after the date an appeal is taken from the Zoning Officer or Construction Official or a development application is certified to be complete pursuant to this chapter, or within such further time as may be consented to by the applicant.

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29. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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I. The Zoning Board of Adjustment may refer an application pursuant to this section to any appropriate person or agency, including the Planning Board, for its report; provided that such reference shall not extend the period of time within which the Board shall act.

§ 190-34. "D" variance appeals.

In particular cases, appeals to the Zoning Board of Adjustment may be taken for "D" variance requests. Whenever the proposed development involves a "D" variance, the Zoning Board of Adjustment shall also hear any subdivision, site plan, conditional use application and any other variance applications required for the development. The following provisions shall apply to "D" variance appeals or applications:

A. A developer may file an application for a "D" variance with the Zoning Board of Adjustment without prior application to the Zoning Officer or Construction Official.

B. The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance shall be conditioned upon grant of all required subsequent approvals by the Zoning Board of Adjustment.

C. Any appeal or application pursuant to this section shall be required to submit the information required by § 190-75.

D. An appeal pursuant to this section shall stay all proceedings in the same manner as specified in § 190-29D.

E. A public hearing shall be held in accordance with the provisions for hearings in this chapter.

F. The appellant shall give public notice of the hearing in the manner specified for development applications in this chapter; provided that the parties entitled to notice shall be as specified in § 190-12B(1) of this chapter. Affidavits of proof of service of notice shall be submitted at least two business days prior to the hearing.

G. The Zoning Board of Adjustment may grant a "D" variance to allow departure from the zoning regulations subject to the following provisions:

(1) There must be a showing by the appellant, and the Board must find, the following:

(a) Special reasons exist justifying the grant of the variance;

(b) The variance can be granted without substantial detriment to the public good; and

(c) The grant of the variance will not substantially impair the intent of the zone plan and zoning regulations.

(2) Any decision of the Board to grant a "D" variance pursuant this section shall only be by an affirmative vote of at least five members of the Board.

H. The Zoning Board of Adjustment shall render a decision not later than 120 days after the date an appeal is taken from the Zoning Officer or Construction Official or a development application is certified to be complete pursuant to this chapter, or within such further time as may be consented to by the applicant.

I. The Zoning Board of Adjustment may refer an application pursuant to this section to any appropriate person or agency, including the Planning Board, for its report; provided that such reference shall not

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extend the period of time within which the Board shall act.

§ 190-35. Appeal of "D" variance approval to the Village Council.

Any interested party may appeal to the Village Council any final decision of the Zoning Board of Adjustment approving an application for development involving a "D" variance. The following provisions shall apply to such appeals:

A. Appeals to the Village Council shall be made within 10 days of the date of publication of the final decision of the Zoning Board of Adjustment.

B. The appeal to the Village Council shall be made by serving the Village Clerk in person or by certified mail with a notice of appeal specifying the grounds thereof, the name and address of the appellant and the name and address of his attorney, if represented.

C. An appeal pursuant to this section shall stay all proceedings in the same manner as specified in § 190-29D.

D. The appellant shall, within five days of service of the notice of the appeal, arrange for a transcript pursuant to § 190-18 for use by the Village Council and pay a deposit as specified in Article V of this chapter or within 35 days of service of the notice of appeal submit a transcript as otherwise arranged to the Village Clerk; otherwise, the appeal may be dismissed for failure to prosecute.

E. Notice of the meeting to review the record below shall be given by the Village Council by personal service or certified mail to the appellant, or to his attorney if represented, to those entitled to notice of a decision pursuant to § 190-20A and to the Zoning Board of Adjustment at least 10 days prior to the date of the meeting.

F. The appeal shall be decided by the Village Council only upon the record established before the Zoning Board of Adjustment. The parties may submit oral and written argument on the record at such meeting, and the Village Council shall provide for verbatim recording and transcripts of such meeting pursuant to § 190-18.

G. The Village Council may reverse, remand or affirm with or without the imposition of conditions the final decision of the Zoning Board of Adjustment granting a "D" variance.

H. The affirmative vote of a majority of the full authorized membership of the Village Council shall be necessary to reverse or remand to the Zoning Board of Adjustment or to impose conditions on or alter conditions to any final action of the Zoning Board of Adjustment; otherwise the final action of the Zoning Board of Adjustment shall be deemed to be affirmed. A tie vote of the Village Council shall constitute affirmance of the decision of the Zoning Board of Adjustment.

I. The Village Council shall conclude a review of the record below not later than 95 days from the date of publication of notice of the decision below pursuant to § 190-20C, unless the applicant consents in writing to an extension of such period.

J. Failure of the Village Council to hold a hearing and conclude a review of the record below and to render a decision within the period specified in Subsection I above shall constitute a decision affirming the action of the Zoning Board of Adjustment.

K. The Village Council shall mail a copy of the decision to the appellant, or if represented then to his attorney, without separate charge, and for a fee as provided by Article V of this chapter to any interested party who has requested it, not later than 10 days after the date of the decision.

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L. A brief notice of the decision shall be published in the official newspaper of the Village, if there is one, or in a newspaper of general circulation in the Village. Such publication shall be arranged by the Village Clerk, provided that nothing herein shall be construed as preventing the applicant from arranging such publication if he so desires. The Village Council shall require a fee for the publication as specified in Article V of this chapter.

M. Nothing in this section shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law. The period of time in which an appeal to a court of competent jurisdiction may be made shall run from the first publication of the decision of the Village Council, whether arranged by the Council or the applicant.

§ 190-36. Expiration of variances. [Amended 4-9-2008 by Ord. No. 3109]

Variances granted by the Planning Board or the Zoning Board of Adjustment shall expire unless the development associated with the variance is promptly completed; provided, however, that no variance which was a prerequisite for subdivision approval shall expire if the plat or deed for the subdivision has been filed with the County Recording Officer as required by law. In addition, the tolling provisions of § 190-52 shall apply to variances. All other variances shall expire in accordance with the following provisions:

A. Variance approvals not subject to site plan, subdivision or conditional use approval. In the case of a variance approval from the Zoning Board of Adjustment which does not also require subdivision, site plan or conditional use approvals from the Board, the following shall apply: **[Amended 11-8-2023 by Ord. No. 3973]**

(1) The required building permits, or zoning and other permits, must be obtained within two years of the date of the adoption of a resolution or memorializing resolution of approval or within six months of the date that all conditions precedent of approval, if any, have been satisfied, whichever occurs later, or the variance will expire. Conditions precedent to approval shall be complied with within the time periods specified in § 190-49.

(2) The construction of the improvements that were the subject of the variance(s) must be initiated prior to expiration of the building and/or zoning permit or the variance will expire.

(3) The construction of the improvements that were the subject of the variance(s) must be completed within the time frames specified in § 190-97E, or the violator will be subject to § 190-97E(5) and (6).

B. Variance approvals subject to or part of site plan or conditional use approval. In the case of a variance approval from the Planning Board or the Zoning Board of Adjustment which also requires site plan or conditional use approvals from the Board, the following shall apply:

(1) The required building permits, or zoning and other permits, when no building permits are required, must be obtained prior to the date of expiration of the period of statutory protection against changes in the zoning regulations, including any extensions thereof, which periods are provided in Article VII of this chapter, or the variance will expire.

(2) The construction of the improvements that were the subject of the variance(s) must be initiated prior to expiration of the building permit pursuant to N.J.A.C. 5:23-1 et seq. or, if no building permit is required, prior to the expiration of the zoning permit pursuant to § 190-97B, or the variance will expire.

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(3) The construction of the improvements that were the subject of the variance(s) must be completed within the time frames specified in § 190-97E, or the violator will be subject to the provisions of § 190-97E(5) and (6).

C. Bifurcated variance applications. In the case of a bifurcated variance approval from the Planning Board or the Zoning Board of Adjustment which requires subsequent subdivision, site plan or conditional use approvals from the Board, the following shall apply:

(1) Such subsequent applications shall be filed within six months of the date of adoption of the resolution or memorializing resolution approving the original variance or within six months of the date that all conditions precedent of the approval for the original variance, if any, have been satisfied, whichever occurs later, or the variance will expire. Conditions precedent to approval shall be complied with within the time periods specified in § 190-49.

(2) The developer shall obtain all required site plan and/or subdivision approvals, as applicable, within one year of the original filing of the application therefor, or the variance will expire. For purposes of administering this provision, "approvals" shall be construed to mean the vote by the Planning Board or Board of Adjustment, as applicable, in favor of the application.

D. Extensions. The Planning Board or the Zoning Board of Adjustment, as applicable, may, upon good cause shown in writing, extend the expiration dates for variances specified in Subsections A, B and C above. The following procedures shall apply:

(1) Variances granted with site plan or subdivision. In considering requests for extensions of variances that were granted as part of an application for site plan or subdivision approval, the Planning Board or Board of Adjustment, as applicable, shall follow the applicable procedures and requirements for extensions of the period of approval and/or period of protection from changes in zoning regulations set forth in Article VII of this chapter.

(2) Variances granted without site plan or subdivision. In considering requests for extensions of bifurcated variances or variances that were not granted as part of an application for site plan or subdivision approval, the following shall apply:

(a) The developer may apply for an extension either before or after what would otherwise be the expiration date. Whenever the Board grants a variance extension pursuant to this subsection and the variance has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date.

(b) The Planning Board or Board of Adjustment, as applicable, shall hold a public hearing on the extension request, with public notice to be served the same as in the original variance application.

(c) The developer may apply for and the Board may grant extensions of variances for a time period not to exceed one year for each extension. A new application and hearing shall be required for each subsequent request for a variance extension.

(d) If the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the approvals, the reviewing board shall grant the requested extension.

(e) If the circumstances in Subsection D(2)(d) above do not apply, the reviewing board shall

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have the discretion to grant or deny variance extensions. In considering extension requests under these circumstances, the reviewing board shall balance the public interest at stake against the private interest in requesting the extension.

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ARTICLE VII
Site Plan and Subdivision Review Procedures

§ 190-37. Site plan approval; when required. [Amended 6-10-1997 by Ord. No. 2606; 10-13-1998 by Ord. No. 2643; 1-15-2003 by Ord. No. 2814; 3-12-2003 by Ord. No. 2818; 4-13-2005 by Ord. No. 2933; 7-18-2007 by Ord. No. 3071; 10-14-2009 by Ord. No. 3220]

A. Developments that require site plan approval. Prior to the issuance of a building permit, zoning permit or certificate of occupancy for any development, a final site plan application shall be submitted to and approved by resolution of the Planning Board in accordance with the requirements of this article, unless such development is determined to be exempt by this section from the requirement to obtain site plan approval. The resolution of the Zoning Board of Adjustment shall substitute for that of the Planning Board whenever the Zoning Board of Adjustment has jurisdiction over a site plan pursuant to this chapter.

B. Developments which are exempt from site plan approval requirements. The following developments shall be exempt from the requirement to obtain site plan review and approval, provided that if such developments are proposed in connection with an application that otherwise requires site plan approval, they shall require approval as part of the overall site plan application: **[Amended 4-7-2010 by Ord. No. 3242; 8-13-2014 by Ord. No. 3426]**

(1) Developments which are automatically exempt from site plan approval.

(a) Subdivision or individual lot applications for detached one- or two-dwelling-unit buildings and permitted accessory uses and structures thereto.

(b) A proposed interior alteration, change in occupancy or change of use involving no exterior site improvements other than those improvements exempted from site plan review and approval by this section.

(c) Maintenance and repair of existing improvements; provided, however, that replacement of existing improvements shall be subject to the provisions of Subsection B(1)(g) below.

(d) Improvements or activities within the right-of-way of a public street which have been authorized by the state, county and/or Village, as applicable, and/or which have received a street opening permit by the entity having jurisdiction.

(e) Development undertaken by the Village of Ridgewood.

(f) Development otherwise exempt from the requirement of site plan approval by law.

(g) Improvements that are an identical replacement for improvements that previously received site plan approval and for which there is no legal prohibition against such replacement. The foregoing shall not be construed to be exempt improvements:

[1] For which no valid approval exists;

[2] Which would violate any applicable condition of a prior development application approval;

[3] Which would violate any of the provisions related to nonconforming uses or structures in § 190-126; or

[4] Which would violate any provision of this chapter or other chapters of the Village

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Code.

(h) The following improvements or activities, provided that the automatic site plan exemption shall only apply if such improvements or activities: a) fully comply with the requirements of this chapter, b) comply with the conditions of any and all development application approvals currently in effect, and c) obtain all other required permits and approvals:

[1] Drainage structures which receive a permit or are exempt from the requirement to obtain a permit pursuant to § 190-120A.

[2] Utility service connections including but not limited to water, sanitary sewer, natural gas, electric, telephone and cable television connections.

[3] Light fixtures designed and used primarily to illuminate building entries and exits, to illuminate signs or to provide decorative effects to building facades and which have received all required building and zoning permits. The foregoing shall not be construed to automatically exempt light fixtures designed and used primarily to illuminate parking and loading areas and driveways from site plan approval requirements.

[4] Exterior heating, ventilating, air-conditioning, backup power generators and similar mechanical equipment.

[5] Antennas, except for cellular telecommunications antennas and equipment accessory to cellular telecommunications antennas.

[6] Signs accessory to a permitted principal use located on the same property and which are completely conforming to all applicable zoning regulations.

[7] Soil movement which has received a ministerial permit, minor permit, or is exempt from the requirement to obtain a soil movement permit pursuant to Chapter 246 of the Village Code.

[8] Landscaping that disturbs an area of not more than 500 square feet and has received any required soil movement permit or other permits or is exempt from the requirement to obtain a permit.

[9] Exterior storage areas for refuse and recyclable materials that have received a zoning permit and any required building permit.

[10] Fuel storage tanks up to 1,500 gallons capacity.

[11] Flag poles.

[12] Fences.

[13] The placement of temporary and movable tables, chairs, umbrellas and/or other such furnishings or fixtures approved in connection with a licensed outdoor cafe, provided that the foregoing shall not be construed to exempt the construction, reconstruction or demolition of permanent structures or any structures requiring a permit.

(2) Improvements which are not automatically exempt, but which are determined exempt at the discretion of the Site Plan Exemption Committee. The Site Plan Exemption Committee may determine certain improvements not specified in § 190-37B(1) to be exempt from the

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requirement to obtain site plan approval in accordance with the procedures in Subsection C below. No site plan exemption shall be granted by the Committee for any of the improvements set forth in § 190-37C(1)(a) below, and no site plan exemption shall be granted by the Committee unless the improvements: a) are included in the definition of "minor site plan" in § 190-3, as further limited below, b) fully comply with the requirements of this chapter, c) comply with the conditions of any and all development application approvals currently in effect, and d) obtain all other required permits and approvals. The improvements that may be determined exempt by the Committee are limited to the following:

(a) The construction, reconstruction, conversion, alteration, relocation, enlargement or demolition of any nonbuilding structure(s), and any landscaping, all of which do not increase the improvement coverage on the property by more than 500 square feet, and all of which have a combined ground surface area of no greater than 2,000 square feet.

(b) Alterations to the facade, roof, entrance or exit doors, windows or other exterior components of an existing building, which alterations do not change the location or extent of the walls of the building.

(c) Porches, decks, fire escapes, and other above grade entry/egress structures having an area up to 100 square feet. **[Amended 9-9-2020 by Ord. No. 3810]**

(d) Outdoor enclosures for existing restaurants, provided that: **[Added 1-8-2020 by Ord. No. 3762]**

[1] Timeframe limited to: From December 10 through February 28/29. **[Amended 3-11-2020 by Ord. No. 3783]**

[2] Contains no signage.

[3] Extends no greater distance than the minimum required to meet ADA requirements.

[4] Doors open to the side so as to minimize pedestrian conflicts.

[5] The area is under 32 square feet.

[6] A minimum of 52 inches of unobstructed sidewalk shall be maintained in front of the enclosure.

[7] Anchoring methods as approved by the Village Engineer.

[8] Indemnification as per § 156-75 of the Village Code.

[9] Liability insurance as per § 156-76 of the Village Code.

[10] Obtains all required approvals including Uniform Construction Code permits.

[11] The restaurant use is preexisting at the time of adoption of this subsection.

[12] The design shall comply with all applicable United States Access Board, Accessibility Guidelines for Pedestrian Facilities within a Right-of-Way.

(e) Accessibility ramps and/or lifts for one- and two-family dwellings, provided that: **[Added 9-9-2020 by Ord. No. 3810]**

[1] The resident of the one- or two-family structure provides satisfactory evidence of

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their handicap status.

[2] The property owners' consent if the person with a disability is not the owner.

[3] The approval of the homeowners' association, if applicable.

[4] The handicap-accessible structure meets ADA and barrier-free requirements.

[5] The handicap-accessible structure, if it does not comply with the underlying zoning, is no larger than is practically needed to provide accessibility.

[6] The handicap-accessible structure extends into any required setback no more than is practically needed to provide accessibility.

[7] The handicap-accessible structure shall not be subject to any coverage, stormwater management or FAR requirements.

[8] The handicap-accessible structure is to be constructed of materials to harmonize with the principal structure to the extent practical.

[9] That any handicap-accessible structure that does not meet the underlying setback and coverage requirements in the zone be removed within 120 days of the person with a disability no longer residing at the premises. Should the structure not be removed within the 120-day time period, a warning shall be issued prior to the issuance of a citation. The warning shall provide an opportunity to apply for an extension of time of up to 60 days in order to cure the violation so long as the property owner can demonstrate good cause with respect to the delay in order to provide a valid basis for the extension.

C. Site plan exemption criteria and procedures. The determination as to whether or not an improvement is exempt from the requirement to obtain site plan approval shall be made by the permitting official, except for improvements referenced in § 190-37B(4). In the case of the improvements referenced in § 190-37B(4), the following exemption criteria and procedure shall apply:

(1) Exemption criteria. Only improvements that meet the following criteria may be determined exempt:

(a) The improvements shall not include any of the following; such improvements shall be required to obtain site plan approval: **[Amended 8-13-2014 by Ord. No. 3426]**

[1] Principal or accessory buildings.

[2] Building additions.

[3] Porches, decks, fire escapes and other above grade entry/egress structures having an area greater than 100 square feet. **[Amended 9-9-2020 by Ord. No. 3810]**

[4] Any use or improvement regulated by the standards for conditional uses in § 190-123.

[5] Any improvement which requires a variance, exception from the design standards or modification of the conditions of all current development approvals.

[6] Improvements that result in an increase of more than 500 square feet of improvement coverage.

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[7] Handicap-accessible ramps and/or lifts for one- and two-family dwellings that comply with § 190-37B(2)(e). **[Added 9-9-2020 by Ord. No. 3810]**

(b) The proposed improvements, taken in the aggregate, shall be consistent with the improvements in the definition of "minor site plan" in § 190-3, in both nature and extent.

(c) The proposed improvements must comply with all applicable provisions of Chapter 190, Land Use and Development, including but not limited to the specific and general design guidelines, standards and construction specifications in Article IX, the zoning regulations in Article X and all other applicable laws, rules and regulations of the Village Code.

(2) Application for exemption. The applicant for site plan exemption shall file with the Planning Board Secretary an application form, an application fee as set forth in § 145-6, a plan depicting the proposed development and any supplemental documentation, all of which shall be sufficient to determine that the improvements comply with the exemption criteria in Subsection C(1) above. The application form and completeness checklist shall be available in the office of the Planning Board and shall be posted on the Village's website. The documentation to be submitted shall contain the information required in the completeness checklist for minor site plans in § 190-72 unless waived by the Site Plan Exemption Committee, provided that the Committee may request additional information not on the checklist if such information is needed to determine compliance with the exemption criteria in Subsection C(1) above.

(3) Review of applications for site plan exemption. Applications for site plan exemption shall be reviewed and decided by a committee consisting of the Village Engineer or his designee, the Construction Official or his designee, the Village Planner and a member of the Planning Board to be appointed by the Planning Board Chairman; provided, however, that such committee may authorize one of its members to review and act on behalf of the entire committee in order to expedite very simple applications. In performing this review and in making the decision regarding site plan exemption, the following shall apply: **[Amended 8-13-2014 by Ord. No. 3426]**

(a) The applicant shall have the burden of proof that the proposed development meets the criteria for site plan exemption. Failure to meet this burden to the satisfaction of the Committee shall result in a determination that the improvement(s) is (are) not exempt from the requirement to obtain site plan approval.

(b) If the applicant has not provided sufficient information or has provided information that is unclear, contradictory or confusing, the Committee shall notify the applicant in writing of such deficiencies within 15 business days of the date the application is filed. In the event that the Committee does not determine the application to be complete or incomplete within said period, the application shall be determined complete upon the expiration of said fifteen-day period.

(c) If the application is determined incomplete, the applicant shall be required to address the completeness deficiencies. Subsequent submission by the applicant, if made within 190 days of being notified of the completeness deficiencies, shall not require the payment of an additional application fee or the filing of a new application, and such submission shall be reviewed following the same procedures as the original application. Failure to resubmit the required information within said one-hundred-ninety-day period shall result in the dismissal of the application without prejudice.

(d) The Committee shall review and decide applications for site plan exemption within 15

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business days of the date the application is determined to be complete, unless such deadline is extended by consent of the applicant. Such extension may be granted before or after said fifteen-day period. The failure of the Committee to act within said time period shall be deemed a dismissal of the application without prejudice.

(e) All decisions to grant or deny applications for site plan exemption shall be made by a majority of the full Site Plan Exemption Committee, except for simple applications when the Committee has authorized a single member to act on its behalf.

(f) The Committee shall approve or deny applications for site plan exemption based upon the exemption criteria in Subsection C(1) above. Approvals may be granted with the imposition of reasonable conditions designed to ensure compliance with such exemption criteria, as may be required by law or deemed appropriate by the Committee.

(g) If there is any reasonable doubt concerning whether or not the proposed development meets the exemption criteria in Subsection C(1) above, the Committee shall deny the application for site plan exemption.

(h) All decisions of the Committee shall be in writing and shall include a reference to the documents that served as a basis for the decision, the reason(s) for the decision and, in the case of exemption approval, any conditions of approval. A copy of the decision shall be sent to the applicant without charge.

(i) The application materials and a copy of the Committee's decision shall be maintained in the records of the Planning Board.

(4) Any exemption that may be granted from site plan approval requirements shall not be construed to exempt the applicant from the requirement, as applicable, to obtain all required building permits, zoning permits, sign permits, historic preservation permits and all other required approvals.

§ 190-37.1. Subdivision approval; when required. [Added 10-14-2009 by Ord. No. 3220]

Prior to the filing of any plat, deed or other recorded instrument with the County Recording Officer for the subdivision of land, as defined by § 190-3, a final subdivision application shall be submitted to and approved by resolution of the Planning Board in accordance with the requirements of this article. The resolution of the Zoning Board of Adjustment shall substitute for that of the Planning Board whenever the Zoning Board of Adjustment has jurisdiction over a subdivision pursuant to this chapter.

§ 190-38. Classification of site plans and subdivisions.

Applications for site plan and/or subdivision approval shall be classified as one or more of the following, as defined by this chapter:

A. Conceptual site plan.

B. Conceptual subdivision.

C. Minor site plan.

D. Minor subdivision.

E. Preliminary major site plan.

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F. Preliminary major subdivision.

G. Final site plan.

H. Final subdivision.

§ 190-39. Filing of applications.

Applications for site plan and/or subdivision approval shall be filed in accordance with the following procedures:

A. An application for site plan or subdivision approval shall be filed with the Secretary of the board having jurisdiction over the application. Required forms and checklists for the application shall be available in the office of the Secretary for the respective board and shall be provided to the applicant prior to formal submission of an application.

B. Applications must be accompanied by the required drawings, documents, fees and other data as required by the completeness checklists in this chapter. The applicant may produce other documents, records, or testimony at the hearing to substantiate, clarify or supplement the previously filed maps and documents.

C. Maps and documents. **[Amended 4-10-2002 by Ord. No. 2776]**

(1) Any maps and documents for which approval is sought shall be submitted and determined complete within the following deadlines before the date of the public hearing at which the application will be heard in order to give the Board, its advisors and Village agencies sufficient time to review the application and report to the Board:

Type of Application	Days Before Public Hearing
"C" variance applications, appeals other than variances, minor site plans, minor subdivisions, final major site plans and final major subdivisions	21
"D" variances, preliminary major site plans and preliminary major subdivisions	28
Combination of application types	The longest time period applicable to any of the application types

(2) The hearing date for any application will be deferred for any application failing to meet this deadline; however, the Board may vary from this procedure when necessary to act on the application within the time periods set forth in § 190-42C or in exceptional circumstances and for due cause shown upon written request from the applicant. Under no circumstances, however, shall the ten-day deadline in § 190-15 be waived. The foregoing provisions shall not be construed as a requirement that an application determined complete within the required deadline be heard at the next meeting; the Board shall set its own agenda in accordance with its rules and in accordance with the time periods within which the Board is required to act.

§ 190-40. Simultaneous application.

The Planning Board or the Zoning Board of Adjustment, as applicable, shall have the power to review and

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approve or deny conditional uses, site plans and subdivisions simultaneously and shall have the power to review and approve or deny variance requests simultaneously with any of the above applications, without the developer being required to make further application to the Board or the Board being required to hold further hearings.

§ 190-41. Completeness determination.

Upon the filing of an application, it shall be reviewed to determine compliance with the submission requirements of this chapter. The following procedure shall apply:

A. An application for development shall be complete for purposes of commencing the applicable time period for action by the Board when so certified by the Board or its authorized committee or designee.

B. The applicant shall be notified in writing whether the application has been determined complete or incomplete by the Board or its authorized committee or designee within 45 days of the date of submission of an application. An application shall be determined complete if all of the items required by the appropriate completeness checklists have been submitted.

C. In the event that the agency, committee or designee does not certify the application to be complete or incomplete within 45 days of the date of its submission, the application shall be deemed complete upon the expiration of said forty-five-day period.

D. The applicant may request that one or more of the submission requirements be waived. A written request explaining the basis for such request(s) must be submitted for such waiver requests in order to be considered. The Board or its authorized committee shall grant or deny the waiver request within 45 days of receipt of the written request.

E. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application. The Board may subsequently require correction of any information found to be in error and submission of additional information not specified in this chapter or any revisions in the accompanying documents as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Board.

§ 190-42. General review procedures.

The following general review procedures shall apply, unless the provisions for specific types of applications indicate a contrary procedure.

A. After an application has been determined to be complete, the Secretary shall forward the application to the Planning Board or the Zoning Board of Adjustment for public hearing, depending on which Board has jurisdiction. Hearings shall be conducted in accordance with the procedures outlined in this chapter.

B. After an application has been determined to be complete or when the application has been scheduled for public hearing, whichever occurs sooner, the Secretary shall refer the application to the following persons or agencies for report and recommendation to the Board:

(1) Village Engineer;

(2) Planning consultant for the Board;

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(3) Ridgewood Historic Preservation Commission, if the property for the application is located in an historic district designated by the zoning regulations, Article X of this chapter, or is designated as an historic site on the Zoning Map, Official Map or by any component element of the Master Plan. Failure to refer the application to the Commission shall not invalidate any hearing or proceeding. The Commission may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted;

(4) Village Environmental Commission, if one exists; and

(5) Such other consultants which have been directed by the Board to review and comment on the application, as well as other Village, county, state and federal officials and agencies having appropriate jurisdiction and as directed by the Board. Such referral to other governmental officials or agencies shall not relieve the applicant of the responsibility of applying independently to and receiving approval from such agencies as required by law.

C. The Board shall grant or deny an application within the following time periods or within such further time as may be consented to by the applicant. The time period required below for action shall begin on the date that an application is determined to be complete.

(1) Conceptual site plan and conceptual subdivision: no time limit.

(2) Minor site plan: 45 days.

(3) Preliminary major site plan, 10 acres of land or less and 10 or fewer dwelling units: 45 days.

(4) Preliminary major site plan, more than 10 acres of land or more than 10 dwelling units: 95 days.

(5) Final site plan: 45 days.

(6) Minor subdivision: 45 days.

(7) Preliminary major subdivision, 10 or fewer lots: 45 days.

(8) Preliminary major subdivision, more than 10 lots: 95 days.

(9) Final major subdivision: 45 days.

(10) Conditional use site plan: 95 days.

(11) Any application involving a variance: 120 days.

(12) Simultaneous or consecutive applications. Whenever an applicant seeks simultaneous approval of a subdivision, site plan, conditional use, variance request and/or direction for issuance of a permit, the longest time period for action by the Board, whether it is for subdivision, site plan, conditional use, variance or direction for issuance of a permit, shall apply to the simultaneous application. In the event that the applicant elects to submit separate consecutive applications, the time period for action provided by this chapter shall apply to each individual application.

D. If the Board requires any substantial amendments in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development.

E. If the proposed development complies with this chapter and the Municipal Land Use Law,[30] the Board shall grant site plan and/or subdivision approval.

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§ 190-43. Conceptual site plans and subdivisions.

At the request of the developer, the Planning Board shall grant an informal review of a concept plan for a development for which the developer intends to prepare and submit an application for development. Submission of a concept plan is optional with the developer. Informal review of a concept plan is intended to enable the Board and the developer to discuss and evaluate principles and potential problems involved before the applicant has gone to the expense of completing detailed engineering drawings as required for formal plan review and approval. The procedures for filing, determination of completeness and review shall be as provided by this article. The developer shall not be bound by any concept plan for which review is requested, and the Planning Board shall not be bound by any such review.

§ 190-44. Minor site plans.

In addition to the procedures for filing, completeness determination and review provided by this article, the following provisions shall apply to minor site plans.

A. If an application for minor site plan approval is classified as other than a minor site plan, the applicant will be so notified. No further action by the Board will be required, and the applicant will be required to follow the procedures for filing an application for preliminary and final major site plan approval.

B. A minor site plan may, at the discretion of the Board, be reviewed by the full Board, referred to the Site Plan Committee for review and recommendations or be approved subject to administrative review by the Village Engineer, provided that any minor site plan which requires any variances shall be reviewed by the full Board, and a public hearing shall be held in accordance with the procedures set forth in this chapter.

C. Minor site plan approval shall be deemed to be final approval of the plan by the Board, provided that the Board or, in the case of administrative review, the Village Engineer may condition such approval on terms ensuring the provision of improvements pursuant to §§ 190-25, 190-54 and 190-55.

D. If the application is approved, the approved plan shall be signed by the Chairman and Secretary of the Board; provided that the signatures of the Chairman and Secretary shall not be affixed until the developer has posted any guaranties that may be required pursuant to §§ 190-25 and 190-57.

E. Prior to the Board returning the signed minor site plan to the applicant, the applicant shall submit six copies of the approved plan to the Secretary. If the approved plan is larger than 11 inches by 17 inches, the applicant shall also submit a translucent copy of the drawing suitable for making prints.

F. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan approval was granted shall not be changed for a period of two years after the date of minor site plan approval. The Planning Board shall grant an extension of this period for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the approvals. The developer shall apply for this extension before what would otherwise be the expiration date or the 91st day after the date on which the developer receives the last of the legally required approvals from the other governmental entities, whichever occurs later.

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30. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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G. If the required building and/or zoning permits for an approved minor site plan have not been issued within the period of protection set forth in Subsection F above, the approval of said minor site plan shall become null and void.

§ 190-45. Minor subdivisions.

In addition to the procedures for filing, completeness determination and review provided by this article, the following provisions shall apply to minor subdivisions.

A. If an application for minor subdivision approval is classified as other than a minor subdivision, the applicant will be so notified. No further action by the Board will be required, and the applicant will be required to follow the procedures contained herein for filing an application for preliminary and final major subdivision approval.

B. In reviewing a minor subdivision application, the Board may accept a plat not in conformity with the Map Filing Law,[31] provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed, such plat shall conform with the Map Filing Law.

C. A minor subdivision may, at the discretion of the Board, be reviewed by the full Board or referred to the Subdivision Committee for review and recommendations, provided that any minor subdivision which requires any variances shall be reviewed by the full Board, and a public hearing shall be held in accordance with the procedures set forth in this chapter.

D. Minor subdivision approval shall be deemed to be final approval of the subdivision by the Board, provided that the Board may condition any such approval on terms ensuring the provision of improvements pursuant to §§ 190-25, 190-54 and 190-55.

E. If the application is approved, the deed or plat, as applicable, shall be signed by the Chairman and Secretary of the Board, provided that the signatures of the Chairman and Secretary shall not be affixed until the developer has posted any guaranties that may be required pursuant to §§ 190-25 and 190-57.

F. Prior to the Board returning the signed minor subdivision plat or deed to the applicant, the applicant shall submit six copies of the approved plat or deed to the Secretary. If the approved plat is a drawing larger than 11 inches by 17 inches, the applicant shall also submit a translucent copy of the drawing suitable for making prints.

G. Except as provided otherwise below, approval of a minor subdivision shall expire 190 days from the date on which the resolution of Village approval is adopted unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law, or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer, the Village Engineer and the Village Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Chairman and Secretary of the Board. No subdivision plat shall be accepted for filing by the county recording officer until it has been approved by the Planning Board as indicated on the instrument by the signature of the Chairman and Secretary of the Planning Board or a certificate has been issued pursuant to §§ 190-50 or 190-59.

H. The Board may extend the one-hundred-ninety-day period for filing a minor subdivision plat or deed if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and that the developer applied promptly for

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31. Editor's Note: See N.J.S.A. 46:23-9.9 et seq.

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and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for the extension either before or after what would otherwise by the expiration date.

I. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted shall not be changed for a period of two years after the date on which the resolution of minor subdivision approval is adopted, provided that the approved minor subdivision shall have been duly recorded as provided in this section.

§ 190-46. Preliminary major site plans and preliminary major subdivisions. [Amended 10-14-2009 by Ord. No. 3220; 4-7-2010 by Ord. No. 3242]

In addition to the procedures for filing, completeness determination and review provided by this article, the following provisions shall apply to preliminary major site plans and preliminary major subdivisions.

A. If the application is approved, the site plan or plat, as applicable, shall be signed by the Chairman and Secretary of the Board.

B. Prior to the Board returning the approved preliminary subdivision plat or site plan drawings to the applicant, the applicant shall submit six copies of the approved site plan or plat to the Secretary. If the approved plan is larger than 11 inches by 17 inches, the applicant shall also submit a translucent copy of the drawing suitable for making prints.

C. Preliminary approval of a major site plan or preliminary major subdivision shall, except as provided otherwise below, confer upon the applicant the following right for a three-year period from the date on which the resolution of preliminary approval is adopted:

(1) That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; and, in the case of a site plan, any on-tract improvements required to be installed, except that nothing herein shall be construed to prevent the Village from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety;

(2) That the applicant may construct only those infrastructure improvements set forth in § 190-54B, provided that the same rights shall be conferred in the case of a site plan involving the infrastructure improvements set forth in § 190-54B. No other improvements may be constructed and no other permits may be issued until final approval has been granted and all conditions precedent to approval have been satisfied;

(3) That the applicant may submit for final apps oval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary major site plan or preliminary major subdivision, as the case may be;

(4) That the applicant may apply for and the Board may grant extensions of such preliminary approval for additional periods of at least one year, but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

D. In the case of a preliminary major site plan or preliminary major subdivision for an area of 50 acres or more, the Board may grant the rights referred to above for such period of time, longer than three years, as shall be determined by the Board to be reasonable taking into consideration the number of

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dwelling units and nonresidential floor area permissible under preliminary approval, economic conditions and the comprehensiveness of the development. The applicant may apply for thereafter and the Board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, and the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, economic conditions and the comprehensiveness of the development, provided that, if the design standards have been revised, such revised standards may govern.

E. Whenever the Board grants an extension of preliminary major site plan or preliminary major subdivision approval as indicated above and the preliminary approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

§ 190-47. Final major site plans and final major subdivisions.

In addition to the procedures for filing, completeness determination and review provided by this article, the following provisions shall apply to final major site plans and final major subdivisions.

A. The Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions of preliminary approval and, in the case of a major subdivision, the standards prescribed by the Map Filing Law.[32]

B. In the case of a residential cluster, the Board may permit minimal deviations from the conditions of preliminary approval necessitated by a change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.

C. If the application is approved, the site plan or plat, as applicable, shall be signed by the Chairman and Secretary of the Board, provided that the signatures of the Chairman and Secretary shall not be affixed until the developer has posted any guaranties that may be required pursuant to §§ 190-25 and 190-57. Prior to the signing and return of a final major subdivision plat or final major site plan, the applicant shall submit six copies of the approved plat to the Secretary. If the approved plat is a drawing larger than 11 inches by 17 inches, the applicant shall also submit a translucent copy of the drawing suitable for making prints.

D. Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the county recording officer. The Board may for good cause shown extend the period of recording for an additional period not to exceed 190 days from the date of signing of the plat.

E. The Board may extend the ninety-five-day or one-hundred-ninety-day filing period if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board.

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32. Editor's Note: See N.J.S.A. 46:23-9.9 et seq.

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F. The developer may apply for a filing extension either before or after the original expiration date.

G. No subdivision plat shall be accepted for filing by the county recording officer until it has been approved by the Planning Board as indicated on the instrument by the signature of the Chairman and Secretary of the Planning Board or a certificate has been issued pursuant to §§ 190-50 and 190-59. The signatures of the Chairman and Secretary of the Planning Board shall not be affixed until the developer has posted the guaranties required pursuant to §§ 190-25 and 190-57.

H. The zoning requirements applicable to the preliminary approval first granted and all other right conferred upon the developer by preliminary approval, whether conditionally or otherwise, shall not be changed for a period of two years after the date on which the resolution of final approval is adopted, provided that in the case of a major subdivision the rights conferred herein shall expire if the plat has not been duly recorded within the time period provided above.

I. Notwithstanding any other provisions of this chapter, the granting of final approval to the development or section of the development terminates the time period of protection for the preliminary approval granted to the same development or section of the development.

J. If the developer has followed the standards prescribed for final approval, and, in the case of a subdivision, has duly recorded the plat as required above, the Board may extend such period of protection for extensions of one year, but not to exceed three extensions.

K. In the case of a subdivision or site plan for a planned development of 50 acres or more, conventional subdivision or site plan for 150 acres or more, or site plan for development of a nonresidential floor area of 200,000 square feet or more, the Board may grant the rights referred to in Subsection H above for such period of time, longer than two years, as shall be determined by the Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, economic conditions and the comprehensiveness of the development. The developer may apply for thereafter, and the Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, the number of dwelling units and nonresidential floor area remaining to be developed, economic conditions and comprehensiveness of the development.

L. The developer may apply for an extension either before or after what would otherwise be the expiration date. Whenever the Board grants an extension of final approval pursuant to Subsection J or K above and the final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date.

§ 190-48. Residential cluster.

In addition to the procedures for filing, completeness determination and review provided by this article, the following provisions shall apply to applications which involve residential cluster.

A. Variation in density or intensity. The standards for permitting variation in intensity in a residential cluster shall be as set forth in the specific district regulations in Article X of this chapter. In the case of cluster development, the maximum number of lots which may be permitted shall be computed by providing the Board with a plan which shows a subdivision concept layout of the property as it could be developed as a conventional subdivision in conformance with all the regulations of the Land Use Ordinance. This subdivision concept plan shall provide all the information required pursuant to § 190-67 and also include road profiles, a wetlands delineation pursuant to the Freshwater Wetlands Protection Act and a floodplain delineation pursuant to the most recent Federal Flood Insurance Rate

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Map. The cluster development shall be entitled to the same number of lots that said conforming conceptual subdivision would be entitled to, taking into account good planning, zoning and engineering principles as determined by the Board.

B. Open space ownership and maintenance. Any subdivision which involves residential cluster shall either dedicate any resulting open space land to the Village or shall make provision for the establishment of an open space organization which shall own and maintain said open space for the benefit of owners or residents of the development. Any area to be dedicated to the Village for open space purposes under the terms of this section shall be at a location and shape as approved by the Planning Board. If any open space areas are to be owned and maintained by an organization for the benefit of owners and residents of the development, then the following provisions shall apply:

(1) Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the open space for the benefit of such development. Thereafter, such organization shall not be dissolved or dispose of any of its open space without first offering to dedicate the same to the Village of Ridgewood.

(2) In the event that such organization shall fail to maintain the open space in reasonable order and condition, the Planning Board may serve written notice upon such organization or upon the owners of the development setting forth the manner in which the organization has failed to maintain the open space in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be cured within 35 days thereof and shall state the date and place of a hearing thereon. The hearing shall be held within 15 days of the notice.

(3) At the hearing on deficiencies in maintenance, the Planning Board may modify the terms of the original notice as to deficiencies and may give a reasonable extension of time not to exceed 65 days within which they shall be cured.

(4) If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within 35 days or any permitted extension thereof, the Village, in order to preserve the open space and maintain the same for a period of one year, may enter upon and maintain such land. Said entry and maintenance shall not vest in the public any rights to use the open space except when the same is voluntarily dedicated to the public by the owners.

(5) Before the expiration of the year in Subsection B(4) above, the Planning Board shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the open space, call a public hearing upon 15 days' written notice to such organization and to the owners of the development shall show cause why such maintenance by the Village shall not, at the election of the Village, continue for a succeeding year.

(6) If at the hearing the Planning Board shall determine that such organization is ready and able to maintain said open space in a responsible condition, the Village shall cease to maintain said open space at the end of said year.

(7) If at the hearing the Planning Board shall determine such organization is not ready and able to maintain said open space in a reasonable condition, the Village may, at its discretion, continue to maintain said open space during the next succeeding year, subject to a similar hearing and determination, in each year thereafter. The decision of the Planning Board in any such case shall constitute a final administrative decision subject to judicial review.

(8) The cost of such maintenance by the Village shall be assessed pro rata against the properties

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within the development that have a right of enjoyment of the open space in accordance with assessed value at the time of imposition of the lien and shall become a lien and tax on said properties and be added to and be a part of the taxes to be levied and assessed thereon and enforced and collected with interest by the same officers and in the same manner as other taxes.

C. Findings for residential cluster. Prior to the approval of any residential cluster, the Board must find the following facts and conclusions:

(1) That departures by the proposed development from the zoning regulations otherwise applicable to the subject property conform to the zoning regulations authorizing such departures by residential clusters in Article X;

(2) That the proposals for maintenance and conservation of the common open space are reliable and the amount, location and purpose of the common open space are adequate;

(3) That provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic and the amenities of light and air, recreation and visual enjoyment are adequate;

(4) That the proposed residential cluster will not have an reasonably adverse impact upon the area in which it is proposed to be established; and

(5) In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

§ 190-49. Conditional approvals.

The Planning Board or the Zoning Board of Adjustment, in granting any approval, may require reasonable conditions designed to further the intent and purpose of this chapter and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.). The following provisions shall apply to conditional approvals:

A. Time for compliance with conditions. Whenever any application for development is approved subject to specified conditions, said conditions shall be fulfilled within 190 days of the date on which the resolution of approval was adopted, subject, however, to the following:

(1) Exempt from this requirement are those conditions pertaining to other governmental approvals as indicated in Subsections D and E below.

(2) Notwithstanding the above one-hundred-ninety-day limitation, the Board may, in appropriate circumstances, specify a longer period of time within which any specific condition must be fulfilled.

(3) The applicant may, for good cause shown, apply for and the Board may grant extensions of time within which such conditions must be fulfilled as the Board may deem appropriate under the circumstances. Applications for such extension must be made prior to the expiration of the period within which conditions were previously required to be fulfilled.

B. Procedure for demonstrating compliance. All conditions of approval shall be complied with in the following manner:

(1) Proof that applications have been filed with all other agencies having jurisdiction over any

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aspect of the application for development shall forthwith be filed with the Board.

(2) The fulfillment of all other conditions shall forthwith be reported in writing to the Board, which may cause such reports to be verified in an appropriate manner.

C. Effect of failure to comply. Only upon fulfillment of all conditions precedent of preliminary approval shall any site clearing, grading, construction of required on-tract or off-tract improvements or other development be permitted only upon fulfillment of all conditions precedent of final approval shall any subdivision map or site plan be signed or any required building permit, occupancy permit, zoning approval or other required approval be issued. Failure to comply with any and all specified conditions of approval shall have the following effects:

(1) Conditions precedent. In the case of specified conditions intended to be fulfilled before the approval becomes effective, failure to fulfill any such condition within the required time period shall cause said conditional approval to lapse and become null and void.

(2) Conditions subsequent. In the case of specified conditions which by their terms are incapable of being fulfilled or are not required to be fulfilled prior to the final approval of the application, the performance of which are not guaranteed by bonds or securities of any type, failure to fulfill any such condition within the required time period shall be grounds for the issuance of a stop-work order by the enforcing official and the withholding of any certificate of occupancy or any other approval until such conditions are fulfilled.

D. County Planning Board approval. Whenever review or approval of an application by the County Planning Board is required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3), in the case of a subdivision, or Section 8 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.6), in the case of a site plan, the Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

E. Other governmental approvals. In the event that development proposed by an application requires an approval by a governmental agency other than the Planning Board, the Zoning Board of Adjustment or the County Planning Board, the Board shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency, provided that the Board shall make a decision on any application within the time periods provided in this chapter or within an extension of such period as has been agreed to by the applicant unless the Board is prevented or relieved from so acting by the operation of law.

F. In the event that a developer submits an application for development that is barred or prevented, directly or indirectly, by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the Village agency shall process such application for development in accordance with the Municipal Land Use Law[33] and this chapter, and, if such application for development complies with this chapter, the Village agency shall approve such application conditioned on removal of such legal barrier to development.

§ 190-50. Default approvals.

Failure of the Planning Board or the Zoning Board of Adjustment to act within the periods prescribed

33. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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herein shall constitute an approval of the application, and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on the request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, as required by the Municipal Land Use Law,[34] and shall be so accepted by the county recording officer for purposes of filing subdivision plats. The following provisions shall apply whenever an applicant wishes to claim approval of his application for development by reason of the failure of the Board to grant or deny approval within the time period provided herein.

A. The applicant shall provide notice of the default approval to the municipal agency and to all those entitled to notice by personal service or certified mail of the hearing on the application for development; but for purposes of determining who is entitled to notice, the hearing on the application for development shall be deemed to have required public notice pursuant to § 190-11.

B. The applicant shall arrange publication of a notice of the default approval in the official newspaper of the Village, if there is one, or in a newspaper of general circulation in the Village.

C. The applicant shall file an affidavit of proof of service and publication with the Board Secretary, who, in the case of a minor subdivision or final approval of a major subdivision, shall be the officer who issues certificates pursuant to § 190-59.

§ 190-51. Extensions of approvals due to delay in obtaining other governmental approvals.

The following shall apply to requests for extension of any approval from the Planning Board or Zoning Board of Adjustment due to delays in obtaining approvals from other government agencies.

A. The Planning Board shall grant an extension of any site plan or subdivision approval for a period determined by the Board, but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the approvals.

B. A developer shall apply for this extension before what would otherwise be the expiration or the 91st day after the date on which the developer receives the last of the legally required approvals from the other governmental entities, whichever occurs later.

C. An extension granted pursuant to this section shall not preclude the Board from granting any other extensions permitted herein or by any other law.

§ 190-52. Tolling of running of period of approval due to legal action.

In the event that, during the period of approval heretofore or hereafter granted to an application for development, the developer is barred or prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health and welfare and the developer is ready, willing and able to proceed with said development, the running of the period of approval under this chapter shall be suspended for the period of time said legal action is pending or such directive order is in effect.

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34. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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§ 190-53. Developer's agreements; restoration guaranties.

Prior to any construction and coincident with the furnishing of the performance guarantee by the developer, the developer shall enter into a developer's agreement with the Village Council incorporating all of the terms and conditions of approval as required by the Planning Board. At the discretion of the Village Council, the developer may be required to provide a restoration guarantee as part of the agreement that can be used by the Village to restore the property to a safe condition in the event that the developer abandons the development project. The intent of such guarantee is to ensure that the property in its unfinished development state does not adversely affect the public safety or adversely impact the environment. No cutting of trees or vegetation and no excavation, earth moving or installation of infrastructure shall be permitted until said developer's agreement is executed between the Village Council and the developer. No Village official shall sign an approved preliminary subdivision or site plan until the required developer's agreement has been executed.

§ 190-54. Required improvements. [Amended 10-14-2009 by Ord. No. 3220; 4-7-2010 by Ord. No. 3242]

A. All required improvements for subdivisions set forth in § 190-54B and any of the improvements in § 190-54B that may be required for a site plan shall be installed and any required off-tract improvements shall be installed or a pro rata share of such off-tract improvements paid prior to final approval, provided that the Village may accept a performance guarantee for all or some of the required improvements in lieu of installation of said improvements prior to final approval. If a developer posts a performance guarantee as provided by this chapter, the Board shall condition the issuance of building permits, demolition permits or certificates of occupancy, as the Board deems appropriate, upon the timely installation of improvements. No building permit for the construction of any structure other than public improvements as required pursuant to Subsection B below shall be issued for any portion of a property that has been granted preliminary approval by the Planning Board until such time as final approvals have been granted by the Board.

B. The following improvements shall be required for all major subdivisions, designed in accordance with the provisions in Article IX of this chapter:

(1) Street pavement and curbs;

(2) Sidewalks on both sides of new streets and along any side of existing streets upon which the subject property has frontage;

(3) Driveway aprons;

(4) Streetlighting;

(5) Street signs, traffic signs and striping;

(6) Street trees;

(7) Monuments;

(8) Potable water facilities;

(9) Water facilities for fire-fighting purposes;

(10) Sanitary sewer facilities;

(11) Storm drainage facilities;

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(12) Electric, telephone, gas and cable television service, as applicable;

(13) Any related improvements that may be necessary to provide any of the improvements required above; and

(14) Any off-tract improvements required pursuant to the provisions in § 190-55.

C. All improvements as shown on an approved site plan, plus any off-tract improvements required by § 190-55, shall be required to be installed so as to comply with the provisions in Articles IX and X of this chapter.

§ 190-55. Off-tract improvements.

As a condition of preliminary approval and prior to any construction or the filing of an application for final approval of a subdivision or site plan, the applicant shall have made cash payments or other forms of payment acceptable to the Village and/or installed with the consent of the Village for any required off-tract improvements. The following provisions shall apply:

A. Determination of required improvements. The Planning Board or the Zoning Board of Adjustment, as applicable, shall determine the nature of off-tract improvements to be required. Such determinations shall not be inconsistent with the Village Master Plan circulation and utility elements and may include street and related improvements, water, sewer and drainage facilities and easements therefor.

B. Determination of total cost of improvements. The cost of installation of the required off-tract improvements shall be determined by the Planning Board with advice of the Director of Public Works and appropriate Village agencies.

C. General criteria in determining proportion of costs to be paid by applicant. The proportion of the total cost to be paid by the applicant for off-tract improvements shall be determined by the Board, with the assistance of the appropriate Village agencies, based on the following criteria:

(1) The total cost of the off-tract improvements;

(2) The increase in market values of the property affected and any other benefits conferred;

(3) The needs created by the application;

(4) Population and land use projections for the general area of the applicant's property and other areas to be served by the off-tract improvements;

(5) The estimated time of construction of the off-tract improvements;

(6) The condition and periods of usefulness of the off-tract improvements, which periods may be based upon the criteria of N.J.S.A. 40A:2-22; and

(7) Any other reasonable criteria the Board feels is necessary to protect the public health, safety and welfare.

D. Criteria in determining proportion of costs to be paid by applicant for specific improvements. In addition to and notwithstanding the provisions of Subsection C above, the following criteria may be considered in determining the proportion of the total cost to be paid by the applicant for the following specific off-tract improvements:

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(1) Proportion of costs for street pavement, curbs, sidewalks, shade trees, streetlights, street signs, traffic lights and related improvements and easements therefor may also be based upon the anticipated increase of traffic generated by the development. In determining such traffic increase, the Board may consider traffic counts, existing and projected traffic patterns, quality of roads and sidewalks in the area and other factors related to the need created by the development and the anticipated benefit thereto.

(2) Proportion of costs for drainage facilities may also be based upon the drainage conditions created by or affected by a particular development, considering:

(a) The percentage relationship between the acreage of the development and the acreage of the total drainage basin.

(b) The use of the site and the amount of area to be covered by impervious surfaces on the site.

(c) The use, condition or status of the remaining area of the drainage basin.

(3) Proportion of costs for water supply and distribution facilities may also be based upon the additional facilities necessitated by the total anticipated water use requirements of the development and other properties in the general area benefiting therefrom.

(4) Proportion of costs for sanitary sewer facilities may also be based upon the proportion that the total anticipated volume of sewage effluent of the development and other properties connected to the new facility bears to the existing capacity of existing sewerage facilities. The calculation shall include the lines and other appurtenances leading to and servicing the development property. Consideration may also be given to the types of effluent and particular problems requiring special equipment or added costs for treatment. In the event that the applicant's property shall be permitted to be connected to existing sewer facilities, the applicant shall pay a charge or be assessed in accordance with law.

E. Manner of implementation. After the estimated total cost of construction and the application's proportion of the total cost has been determined, the Village Council shall determine whether the off-tract improvement is to be implemented by the Village as a general or local improvement or by the applicant under a formula providing for partial reimbursement by the Village for benefits to properties other than the subdivision or site plan.

F. Deposit for improvements. When the manner of implementation has been determined by the Village Council, the applicant may be required to provide a cash deposit or other deposit acceptable to the Village, in accordance with the following:

(1) If the improvement is to be constructed by the Village as a general improvement, the applicant shall be required to deposit an amount equal to the difference between the total cost of the improvement and the estimated amount, if less than the total cost, that all properties which are to be serviced by the improvement, including the subject property, will be specifically benefited by the improvement.

(2) If the improvement is to be constructed by the Village as a local improvement, the applicant shall be required to deposit an amount equal to the amount specified in Subsection F above, plus the estimated amount that the subject property will be specifically benefited by the improvement.

(3) If the improvement is to be constructed by the applicant, the applicant shall be required to

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deposit an amount equal to the estimated cost of the improvement, less an offset for benefits to properties other than the subject property.

G. Payment for applicant's share of the cost of improvement. The applicant's proportion of the total cost of off-tract improvements shall be paid by the applicant to the Village Treasurer, who shall provide a suitable depository therefor, and such funds shall be used only for the off-tract improvements for which they are deposited, or for other improvements serving the same purpose. In the event that the amount of the deposit pursuant to Subsection F above is less than the applicant's proportion of the total cost determined pursuant to Subsections C and D above, then the applicant shall be required to pay said proportion. In the event that the amount of the deposit pursuant to Subsection F above is more than the applicant's proportion of the total cost determined pursuant to Subsections C and D above, then the Village shall reimburse the applicant or his successors or assigns for the difference between the deposit and the applicant's proportion.

H. Refund of payments for failure of Village to make improvements. If after a period of 10 years from the date of payment by an applicant for off-tract improvements to be constructed by the Village, construction of such off-tract improvements has not been initiated, the Village shall refund any and all deposits made by the applicant for such improvements, together with the accumulated interest or other income earned on the deposit, if any.

I. Dispute of amount of applicant's contribution. If the applicant and the Board cannot agree on the total cost or the applicant's proportion of the total cost of the off-tract improvement, or on the determination made by the officer or Board charged with the duty of making assessments as to special benefits, and if the off-tract improvement is to be constructed as a local improvement, no approval shall be granted for the application. Where a developer pays the amount determined as his proportion of the total cost of the improvement under protest, he shall institute legal action within one year of such payment in order to preserve the right to a judicial determination as to the fairness and reasonableness of such amount.

J. Assessments of properties. Upon receipt from the applicant of his proportion of the total cost of the off-tract improvement, the Village may adopt a local improvement assessment ordinance for the purpose of construction of the off-tract improvements based upon the actual cost thereof. Any portion of the cost of the improvements not defrayed by a deposit by the applicant may be assessed by the Village against any property owners who benefit from the improvement. Any assessments made against the applicant or his successors or assigns for benefits conferred shall be first offset by a credit for the payment made by the applicant pursuant to Subsection G above. The applicant or his successors or assigns shall not be liable for any part of any assessment for such improvements unless the assessment exceeds the credit for payment previously made, and then only to the extent of the deficiency.

K. Credit for work performed. In the event that the applicant, with the Village's consent, decides to install and construct the off-tract improvement or any portion thereof, the certified cost shall be treated as a credit against any future assessment for that particular off-tract improvement or portion thereof constructed by the Village in the same manner as if the applicant had made a payment pursuant to Subsection G above.

L. Installation of improvements by applicant. At the option of the Village, and with the consent of the applicant, the Village may enter into a contract with the applicant providing for the construction of off-tract improvements by the applicant upon contribution by the Village of the remaining unallocated portion of the cost of the off-tract improvement. In the event that the Village so elects to contribute to the cost and expense of installation of the off-site improvements by the applicant, the portion

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contributed by the Village shall be subject to possible certification and assessment as a local improvement against benefiting property owners in the manner provided by law, if applicable.

M. Compliance with design criteria. Should the applicant and the Village enter into a contract for the construction and erection of the off-tract improvement to be done by the applicant, he shall observe all requirements and principles of this chapter in the design of such improvements.

§ 190-56. Inspection of improvements and construction.

All improvements required by the Board except electric, telephone, cable television, streetlighting, gas, water and streets not under the jurisdiction of the Village of Ridgewood shall be installed under the supervision and inspection of the director of the Department of Public Works. Other improvements shall be installed under the supervision and inspection of the authority having jurisdiction over such improvements. No construction work covering the required improvements shall be commenced without the developer first notifying the Director that said construction work is about to take place. Such notice shall be given, in writing, to the Director at his office in the Village Hall at least one week before the commencement of such work. No required improvements shall be covered until inspected and approved by the Director of the Department of Public Works.

§ 190-57. Maintenance of improvements prior to acceptance.

Until final acceptance of all public improvements by the Village Council, the developer shall be responsible for the maintenance of all such improvements, whether such improvements are completed or are under construction, and shall be responsible for providing all municipal services regarding such improvements other than solid waste collection. The following provisions shall apply:

A. If the developer fails to maintain such improvements, including but not limited to a failure to sweep streets, remove leaves or remove ice or snow, the Village may, after 24 hours' notice to the developer, proceed to perform such maintenance at the expense of the developer.

B. The cost charged by the Village for such services shall include direct labor, overhead, materials and equipment as computed by the Director of the Department of Public Works.

C. In order to ensure payment of such charges, the Village shall require the applicant, at the time of and as a condition of preliminary approval, to deposit in an escrow account an amount equal to that necessary to provide all necessary maintenance services for a time period equal to that established for the required performance guarantee, and any extension thereof. Such escrow deposit shall be administered in accordance with § 190-26, with the amount of any additional deposits to be computed by the Director of the Department of Public Works.

§ 190-58. Selling before final subdivision approval; violations and penalties.

A. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which Village approval is required by this chapter or any other ordinance pursuant to the Municipal Land Use Law,[35] such person shall be subject to a penalty not to exceed $1,000, and each lot disposition so made may be deemed a separate violation.

B. In addition to the foregoing, the Village may institute and maintain a civil action for injunctive relief

35. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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and to set aside and invalidate any conveyance made to such a contract of sale if a certificate of compliance has not been issued in accordance with § 190-59. In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the developer or his assigns or successors, to secure the return of any deposits made or purchase price paid and also, a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two years of the date of the recording of the instrument of transfer, sale or conveyance of said land or within six years, if unrecorded.

§ 190-59. Certification of subdivision approval.

The prospective purchaser, prospective mortgagee or any other person interested in any land which forms part of a subdivision or which formed part of such a subdivision subsequent to August 1, 1973, may apply in writing to the Board Secretary for the issuance of a certificate certifying whether or not such subdivision has been approved by the Board. The following provisions shall apply to the issuance of said certificates:

A. Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof.

B. The Board Secretary shall make and issue such certificate within 15 days after the receipt of such written application and the fees therefor.

C. Each such certificate shall be designated a "certificate as to approval of subdivision of land" and shall certify:

(1) Whether there exists in the Village a duly established planning board and whether there is an ordinance controlling subdivision of land adopted under the authority of the Municipal Land Use Law.[36]

(2) Whether the subdivision, as it relates to the land shown in said application, has been approved by the Planning Board and, if so, the date of such approval and any extensions and terms thereof, showing that subdivision of which the lands are a part is a validly existing subdivision.

(3) Whether such subdivision, if the same has not been approved, is statutorily exempt from the requirement of approval as provided in the Municipal Land Use Law.

D. The Board Secretary shall charge a fee for such certificate as provided in Article V of this chapter, which fee shall be paid by the Board Secretary to the Village of Ridgewood.

E. The Board Secretary shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record of his office.

F. Any person who shall acquire for a valuable consideration an interest in the lands covered by any such certificate of approval of a subdivision in reliance upon the information contained therein shall hold such interest free of any right, remedy or action which could be prosecuted or maintained by the Village pursuant to the provisions of § 190-58.

G. If the Board Secretary fails to issue the same within 15 days after receipt of an application and fees therefor, any person acquiring an interest in the lands described in such application shall hold such interest free of any right, remedy or action which could be prosecuted or maintained by the Village pursuant to § 190-58.

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36. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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H. Any such application addressed to the Village Clerk shall be deemed to be addressed to the proper designated officer, and the Village shall be bound thereby to the same extent as though the same was addressed to the designated official.

§ 190-60. Exception in application of subdivision or site plan regulation.

The Board, when acting upon applications for minor site plan, minor subdivision, preliminary major site plan or preliminary major site plan approval, shall have the power to grant such exceptions from the requirements in this chapter for site plan or subdivision approval as may be reasonable and within the general purpose and intent for the provisions for site plan and subdivision review and approval, if the literal enforcement of one or more provisions of this chapter regulating site plan and subdivision applications is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. Notwithstanding the above, there shall be no deviation from the zoning regulations, Article X of this chapter, authorized by this section.

§ 190-61. Reservation of public areas.

If the Village Master Plan or Official Map provides for the reservation of designated streets, public drainageways, flood control basins or public areas within the proposed development, the Board may require that such streets, ways, basins or areas be shown on the plat in locations and sizes suitable to their intended uses before approving the subdivision or site plan. The Board may also reserve such areas in accordance with the provisions of § 190-130.

§ 190-62. Soil removal.

Notwithstanding any other provision of Chapter 246, Soil Removal, in any instance where an application for development proposes the moving of any soil, the applicant may pay a soil permit fee as required in said Chapter 246, and the Board may process the soil permit as an integral part of the site plan or subdivision application. In processing such applications, the applicant will be required to meet all provisions of said Chapter 246, except that a separate public hearing pertaining to the moving of soil will not be required.

§ 190-63. Payment of taxes and assessments prior to approval.

It shall be a condition of any approval by a Village agency pursuant to this chapter that proof be submitted that no taxes or assessments for local improvements are due or delinquent on the property for which any approval is sought.

§ 190-64. Disclosure of ownership required; violations and penalties.

A corporation or partnership applying to the Planning Board, Zoning Board of Adjustment or to the Village Council, as provided herein, for permission to subdivide a parcel of land into six or more lots or applying for a variance to construct a multiple dwelling of 25 or more family units or for approval of a site to be used for commercial purposes shall disclose the ownership of the corporation or partnership as follows:

A. The corporation shall list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be.

B. If a corporation or partnership owns 10% or more of the stock of a corporation, or 10% or greater interest in a partnership, subject to disclosure pursuant to this section, that corporation or partnership shall list the names and addresses of its stockholders holding 10% or more of its stock or of 10% or

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greater interest in the partnership, as the case may be, and this requirement shall be followed by every corporate stockholder or partner in a partnership, until the names and addresses of the noncorporate stockholders and individual partners exceeding the 10% ownership criterion established in this section have been listed.

C. The Planning Board, Zoning Board of Adjustment or Village Council shall not approve any application of any corporation or partnership that does not comply with the provisions of this section.

D. Any corporation which conceals the names of the stockholders owning 10% or more of its stock or of the individual partners owning a ten-percent or greater interest in the partnership, as the case may be, shall be subject to a fine of $1,000 to $10,000, which shall be recovered in the name of the Village of Ridgewood in any court of record in the state in a summary manner pursuant to the Penalty Enforcement Law.[37]

§ 190-65. Approvals binding.

Any site plan or subdivision approved by the Board pursuant to this article shall be binding upon the applicant and his heirs, executors, successors or assigns. Any deviation from an approved site plan or subdivision or any failure to adhere to the conditions of approval shall be deemed a violation of this chapter and shall be subject to the enforcement and penalties prescribed by this chapter.

37. **Editor's Note: See N.J.S.A. 2A:58-10 et seq.**

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ARTICLE VIII
Submission Requirements for Development Applications

§ 190-66. General procedure for completeness review.

This article sets forth the submission requirements for the various categories of subdivision, site plan and variance applications to the Planning Board and the Zoning Board of Adjustment. The following general procedures shall apply to the completeness review of applications:

A. In order to be determined complete for review by the Board, all of the required information must be submitted, provided that the applicant may request that one or more of the submission requirements be waived. A written request, explaining the basis for such request(s) must be submitted for such waiver requests in order to be considered. The Board or its authorized committee shall grant or deny the waiver request within 45 days of receipt of the written request.

B. If more than one development application category is to be considered by the Board, the applicant shall be required to submit the information required for all of the individual applications.

C. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application.

D. The Board may subsequently require correction of any information found to be in error and submission of additional information not specified in this chapter or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Board.

§ 190-67. General requirements. [Amended 7-16-2003 by Ord. No. 2833]

In addition to the submission requirements for the individual categories of applications in the following sections, all categories of applications, except for conceptual site plans, conceptual subdivisions and minor site plans for which a waiver of public hearing is granted, shall be required to submit the following:

A. For purposes of completeness review only, three copies of the appropriate application form(s). Thereafter, if the application is determined to be complete, the applicant shall submit 20 copies (if submitting to the Planning Board) or 12 copies (if submitting to the Zoning Board of Adjustment) of the appropriate application form(s), completed and signed. If any item is not applicable to the applicant, it shall be indicated on the application form(s) by the words "not applicable" or "none."

B. Written description of the application, including a description of the proposed use and improvements.

C. Statements as to any requirements from which a waiver or variance is sought, together with a statement of reasons why same should be granted.

D. Receipt indicating that applicable fees and initial escrow deposits are paid.

E. Certificate from the Tax Collector indicating that all taxes and assessments for the subject property are paid up to and including the most recent collection period.

F. Certificate from both the Board of Adjustment and the Planning Board indicating the nature and date of prior actions, if any, by the respective Boards affecting the subject property.

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G. Affidavit of ownership. If applicant is not the owner, applicant's interest in land must be indicated; e.g., tenant, contract/purchaser, lien holder, etc., and permission of property owner to file the application must be submitted.

H. If the applicant is a corporation or partnership applying to the Board or the Council for permission to subdivide a parcel of land into six or more lots or applying for a variance to construct a multiple dwelling of 25 or more family units or for approval of a site to be used for commercial purposes, list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class as required by § 190-64.

I. For purposes of completeness review only, three copies of the required plot plan, site plan or subdivision plan. Thereafter, if the application is determined to be complete, the applicant shall submit 20 copies (if submitting to the Planning Board) or 12 copies (if submitting to the Zoning Board of Adjustment) of any required plot plan, site plan or subdivision plan, signed and sealed by the professional who prepared the plot plan, site plan or subdivision plan. Any plan submitted as part of an application to a Village agency shall be prepared by an individual pursuant to the regulations in N.J.A.C. 13:27, 13:40 and 13:41, as amended, provided that the owner of a single-family detached or two-family dwelling may sign the plans for an application if he has prepared them. All such plans shall contain the following information:

(1) Title block containing the type of application; name and address of applicant and owner; name, address, signature, license number and seal of plan preparer; existing lot and block numbers; municipality and county, date prepared and date(s) of all plan amendments.

(2) Signature block for signatures of Chairman and Secretary of the Board.

(3) The name of all adjoining property owners as disclosed by current Village tax records.

(4) A key map showing the location of the tract to be considered in relation to the surrounding area within at least 500 feet of the subject property.

(5) Scale of map, both written and graphic. The scale shall consist of no more than 50 feet to the inch.

(6) North arrow.

(7) Zoning district in which parcel is located, and the zone district of adjacent property, with a table indicating tract area, lot area(s), lot width(s), all yard setbacks, coverage by above-grade structures and coverage by improvements, building height, floor area ratio, density and number of parking spaces, both as to required, existing and proposed, for the subject property. If the application involves a conditional use, compliance with the applicable conditional use standards shall be indicated on the plan.

(8) Existing and proposed boundaries of the site(s) in question, with bearings and dimensions of the same. The number of each existing tax lot in accordance with the Tax Map shall be shown.

(9) Municipal boundary line(s), if any, crossing or adjacent to the subject property.

(10) Location and width of existing easements or rights-of-way on or abutting the subject property, including but not limited to streets, utility and drainage easements, sight easements and access easements.

(11) Location of existing and proposed buildings, with setbacks from property lines dimensioned on

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the plan.

(12) Location of existing and proposed paved areas, including parking and loading areas, driveways, sidewalks, etc., showing the design of such areas.

(13) Location of natural features, including woodlands, streams and other water bodies, wetlands, flood hazard areas and rock outcrops on the property, and also on adjacent properties if the same affect the proposed development.

(14) Location of any required dedication or reservation for streets or any area shown on the Official Map or Master Plan.

(15) Soil erosion and sedimentation control plan, if required pursuant to P.L. 1975, c. 251.[38]

(16) Construction details and specifications sufficient to illustrate the nature of site improvements, including but not limited to the following, when appropriate: paving, curbing, walls, fences, utility and storm drainage structures, soil erosion control structures, tree protection devices, light fixtures and standards, signs, planting and staking details and barrier-free access design.

J. A statement of any and all approvals which are required from other governmental entities.

K. For minor subdivisions, preliminary major site plans and preliminary major subdivisions, one of the following:

(1) A letter of interpretation from the New Jersey Department of Environmental Protection and Energy (NJDEPE) indicating the absence of freshwater wetlands, or indicating the presence and verifying the boundaries of freshwater wetlands, and classifying the same by resource value;

(2) A letter of exemption from the NJDEPE certifying that the proposed activity is exempt from the Freshwater Wetlands Protection Act, and regulations promulgated thereunder;

(3) A copy of any application made to the NJDEPE for any permit concerning a proposed regulated activity in or around freshwater wetlands; or

(4) Documentation demonstrating that no wetlands exist on the subject property and demonstrating that no wetlands exist on adjacent property that would affect or limit development on the property which is the subject of the development application.

L. A copy of any protective covenants or deed restrictions, if any, affecting the property in question; provided that if none exist, an affidavit from the owner certifying that no such covenants or restrictions exist shall be submitted.

M. If the development is classified as a major development as defined by § 190-83, three paper copies and one electronic copy in a pdf format of a stormwater management plan minimally including the submission requirement in § 190-83 and sufficient to demonstrate that the project meets the standards for a major development as defined in § 190-83. **[Added 1-17-2007 by Ord. No. 3035; amended 2-24-2021 by Ord. No. 3844]**

N. If the development is not classified as a major development as defined by § 190-83G and involves a new building, an addition to an existing building, pool or any site improvement resulting in an increase of at least 200 square feet of impervious surface, three paper copies and one electronic copy in a pdf format of a stormwater management application and plan including the following and

38. Editor's Note: See N.J.S.A. 4:24-39 et seq.

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sufficient to demonstrate that the project meets the standards for minor development. **[Added 1-17-2007 by Ord. No. 3035; amended 2-24-2021 by Ord. No. 3844]**

(1) A current survey of the site indicating existing conditions.

(2) All existing and proposed impervious cover areas.

(3) All methods of capturing and directing stormwater runoff into seepage tanks.

(4) All inlet and pipe sizes.

(5) Manufacturer's drawings and installation details of all proposed products.

(6) Existing and proposed contours and/or spot elevations sufficient to allow calculation of soil movement and accurately depict drainage patterns.

(7) Limits of disturbance for all proposed work.

(8) All trees with a trunk diameter of at least six inches at breast height to be removed and to remain.

(9) Elevations at property corners and key points of proposed buildings, additions, paved areas, property corners, gutters, swales, top and bottom of walls and curbs, and at all significant grade changes.

(10) Existing and proposed basement, first floor and garage slab elevations, where applicable. All elevations shall be in the National Geodetic Vertical Datum of 1929. Benchmarks are available at the Village of Ridgewood, Engineering Division.

(11) All existing streams, brooks, or other natural or man-made drainage facilities, and including utilities when pertinent to any proposed use or construction.

(12) Proposed landscaping, showing the treatment of nonimpervious areas.

(13) A soil erosion/sediment control plan, including but not limited to silt fence and/or salt hay barrier(s). A fifty-foot long by ten-foot wide clean crushed stone access drive is required for all sites also obtaining a soil moving permit. Bergen County Soil Conservation District certification shall be required for any project that will disturb an area greater than 5,000 square feet.

(14) Information sufficient to demonstrate compliance with the requirements for seepage tank/ retention system design in § 190-83.

(15) Where applicable, the boundary of the one-hundred-year floodplain and flood hazard area and the base flood elevation, as determined by the latest accepted Federal Emergency Management Agency's Flood Insurance Rate Map (information available from the Engineering Division).

(16) Limits of wetlands and associated transition areas.

§ 190-68. Conceptual site plans and subdivisions.

Applications for informal review of conceptual site plans and/or subdivisions shall be required to submit a plan of the proposed development. The procedures for completeness review of formal applications shall not apply to such plan, except as provided below; however, the Board Secretary shall refer the plan to the appropriate persons and agencies, who shall provide suggestions as to any additional information that may be helpful to the Board in reviewing the plan. The applicant may choose to proceed without providing such additional information or may provide some or all of the suggested information. Once the applicant has

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finalized his plan submittal, the application shall be scheduled for the Board's agenda; provided that any application for informal review shall provide the following prior to referral or review by the Board:

A. Twenty copies of the appropriate application form(s), completed and signed. If any item on the form is not applicable to the applicant, it shall be indicated on the application form(s) by the words "not applicable" or "none."

B. Twenty copies of the concept plan.

C. Written description of the application, including a description of the proposed use and improvements.

D. Receipt indicating that applicable fees and initial escrow deposits are paid.

E. Certificate from the Tax Collector indicating that all taxes and assessments for the subject property are paid up to and including the most recent collection period.

§ 190-69. Minor subdivisions.

In addition to the requirements indicated in § 190-67, the information below shall be shown on the plans for all minor subdivision applications. Minor subdivision plans to be filed with the County Recording Officer shall use a sheet size of either 8.5 inches by 13 inches, 15 inches by 21 inches, 24 inches by 36 inches or 30 inches by 42 inches.

A. Name of the map.

B. Dimensions, bearings and curve data for all property lines and easements.

C. Location and description of existing and proposed monuments, including monuments where found, monuments set or reset, and monuments to be set or reset.

D. Proposed lot and block numbers for each proposed lot.

E. Reference meridian for North arrow shown graphically.

F. Date of the survey.

G. Required building envelopes drawn for each lot, showing graphically and by dimension the minimum front, side and rear yard setbacks, as well as any easements within which the construction of buildings is prohibited.

H. Location, dimensions and nature of existing and proposed improvements in any streets, within or abutting the tract.

I. Existing and proposed topographic contours, both for the tract and for adjacent areas affecting and affected by the development. Contour intervals shall not exceed the following: up to 10% grade: two feet; over 10% grade: five feet. Contour elevations shall be referenced to the National Geodetic Vertical Datum of 1929. **[Amended 1-17-2007 by Ord. No. 3035]**

J. Location of existing and proposed wells and septic systems and location of existing and proposed connections to public water and sanitary sewer systems, as well as connections to other utilities.

K. Certification from a licensed surveyor as to the accuracy of the details on the plat and as to compliance with provisions of the Map Filing Law.[39]

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39. Editor's Note: See N.J.S.A. 46:23-9.9 et seq.

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L. Certification from a licensed surveyor as to the setting of monuments or from the Village Clerk as to the posting of a bond for the future setting of monuments.

M. Certification from the Village Engineer as to the plat's compliance with the provisions of the Map Filing Law and all applicable Village ordinances and requirements.

N. A statement from the Village Engineer that he has received a map showing all utilities in exact location and elevation identifying those portions already installed and those to be installed, and that the developer has installed all improvements in accordance with all Village regulations and/or a statement by the Village Clerk that proper performance guaranties have been posted with the Village Council for the installation of required improvements.

O. When approval of a plat is required by an officer or agency of the Village, county or state, such approval shall be referenced and certified on the plat.

§ 190-70. Preliminary major subdivisions.

In addition to the requirements indicated in § 190-67, the information below shall be shown on the plans for all preliminary major subdivision applications:

A. The proposed name of the subdivision.

B. Curve data for all property lines.

C. Proposed lot and block numbers for each proposed lot.

D. Required building envelopes drawn for each lot, showing graphically and by dimension the minimum front, side and rear yard setbacks, as well as any easements within which the construction of buildings is prohibited.

E. Location and use of open space, if any, to be deeded to the Village or controlled by an open space organization, as well as the use and nature of any other common areas.

F. Location, dimensions and nature of existing and proposed improvements in any streets, within or abutting the tract for a minimum distance of 200 feet beyond the tract boundaries, including profiles and cross-sections for all proposed streets, sidewalks, alleys, and planting strips; radii, points of curvature and tangency and central angles of all curves, both center-line and curb.

G. Existing and proposed water supply, including plans and profiles of proposed water mains, pipe material and sizes, valves, joints, hydrants and location of private wells.

H. Existing and proposed sanitary sewer service. If septic disposal systems are proposed, test hole locations and soil log information shall be submitted, along with the location of existing septic tanks and fields. If connection to public sanitary sewers is contemplated, the applicant shall submit plans and profiles of proposed sanitary sewer lines; pipe length, material and sizes; location of pumping stations, manholes and other structures; and appropriate elevations.

I. Plans and profiles of existing and proposed storm drainage design and improvements, including a map showing the entire drainage area; the drainage area contributing to each pertinent drainage structure; drainage tabulation sheets showing calculations for each drainage area; length, size and material of drain pipes; direction of flow; location of inverts, manholes, dry wells, groundwater recharge basins, swales, drainage basins and other structures; and elevations of grates, inverts, etc.

J. Proposed location of easements for gas, electric, telephone and cable television service.

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K. Existing and proposed topographic contours, both for the tract and for adjacent areas affecting and affected by the development. Contour intervals shall not exceed the following: up to 10% grade: two feet; over 10% grade: five feet. Contour elevations shall be referenced to the National Geodetic Vertical Datum of 1929. **[Amended 1-17-2007 by Ord. No. 3035]**

L. If regrading near existing buildings is proposed, proposed spot grades at the corners of all buildings, and finished floor elevations of buildings.

M. Location and description of existing and proposed street trees, landscaping and natural vegetation to remain. Information for proposed plantings shall include common and scientific names, number of plants, planted size and root specification.

N. The location and design of fences, walls, sidewalks and similar improvements to be proposed.

O. If development is proposed in phases or stages, a phasing plan.

§ 190-71. Final major subdivisions.

In addition to the requirements indicated in § 190-67, the information below shall be shown on the plans for all minor subdivision applications. Minor subdivision plans shall use a sheet size of either 8.5 inches by 13 inches, 15 inches by 21 inches, 24 inches by 36 inches or 30 inches by 42 inches.

A. Those items required for preliminary major subdivisions pursuant to § 190-70, shown in final form.

B. Information sufficient to demonstrate that all of the conditions of preliminary approval have been satisfied.

C. Name of the map.

D. Location and description of existing and proposed monuments, including monuments where found, monuments set or reset, and monuments to be set or reset.

E. Reference meridian for North arrow shown graphically.

F. Date of the survey.

G. Certification from a licensed surveyor as to the accuracy of the details on the plat and as to compliance with provisions of the Map Filing Law.[40]

H. Certification from a licensed surveyor as to the setting of monuments or from the Village Clerk as to the posting of a bond for the future setting of monuments.

I. Certification from the Village Engineer as to the plat's compliance with the provisions of the Map Filing Law and all applicable Village ordinances and requirements.

J. A statement from the Village Engineer that he has received a map showing all utilities in exact location and elevation identifying those portions already installed and those to be installed and that the developer has installed all improvements in accordance with all Village regulations and/or a statement by the Village Clerk that proper performance guaranties have been posted with the Village Council for the installation of required improvements.

§ 190-72. Minor site plans. [Amended 7-16-2003 by Ord. No. 2833]

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40. Editor's Note: See N.J.S.A. 46:23-9.9 et seq.

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A. In addition to the requirements indicated in § 190-67, the following information shall be submitted for all minor site plans for which the public hearing is not waived:

(1) A site plan showing the location and design of existing and proposed improvements, including but not limited to parking, loading, access and circulation improvements, signs, exterior lighting, fences and walls, pavement and landscaping. Improvements need be shown only to the extent that such improvements affect or are affected by the proposed development and/or are necessary to determine compliance with this chapter.

(2) If interior renovations or alterations are proposed, floor plans for existing and proposed buildings, showing the use and layout of internal space, at a minimum scale of one inch per eight feet.

(3) If alterations to the existing building facade are proposed, elevations showing the extent and nature of the construction, including the location and dimensions of walls, doors, windows and signs, and the proposed materials and colors.

(4) If revisions to existing topographic contours or spot elevations are proposed, or if the building entrance or finished floor elevation is proposed to be revised, existing and proposed contours and/or spot elevations portraying the change.

(5) The nature, location and design of any proposed exterior heating, ventilating, exhaust, air conditioning or other equipment serving similar functions, including any exterior ductwork.

(6) If any subsurface stormwater storage/discharge systems are proposed, or other improvements that require discharge of water in the ground, the results of percolation tests shall be submitted with the application, along with test hole locations and soil log information, if determined necessary by the Village Engineer.

(7) A statement from the Village Engineer indicating whether or not the existing sanitary sewer service capacity is adequate for the proposed development and stating whether or not any modifications to the sanitary sewer design for the development are necessary.

B. For minor site plans for which the public hearing is waived pursuant to § 190-44B, the information required by § 190-67 shall not be required, but the information required by Subsection A(1) through (7) above, plus all of the following information, shall be required:

(1) Six copies of the appropriate application form(s), completed and signed. If any item on the form is not applicable to the applicant, it shall be indicated on the application form(s) by the words "not applicable," "none" or other appropriate language.

(2) Written description of the application, including a description of the proposed use, hours of operation, number or nature of employees and improvements, both interior and exterior.

(3) Receipt indicating that applicable fees and initial escrow deposits are paid.

(4) Certificate from the Tax Collector indicating that all taxes and assessments for the subject property are paid up to and including the most recent collection period.

(5) Six copies of the site plan, drawn at an appropriate scale but having no more than 30 feet per inch.

(6) Six copies of a photograph or photographs showing the existing conditions in the area of the proposed development (e.g., photo of storefront, location of addition, dumpster, fence, etc.).

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(7) Certification from the Zoning Officer that the proposed development complies with all applicable development regulations. If any relief from such regulations is found to be necessary, a public hearing shall be required, and the submission requirements in §§ 190-67 and 190-72A shall apply.

(8) Certificate from both the Board of Adjustment and the Planning Board indicating the nature and date of prior actions, if any, by the respective Boards affecting the subject property.

(9) Affidavit of ownership. If applicant is not the owner, applicant's interest in land must be indicated; e.g., tenant, contract/purchaser, lienholder, etc., and permission of property owner to file the application must be submitted.

§ 190-73. Preliminary major site plans.

In addition to the requirements indicated in § 190-67, the following information shall be submitted for all preliminary major site plans:

A. Location of existing and proposed buildings and their setbacks from property lines, plus the location of existing buildings and paved areas on adjacent properties.

B. Floor plans for existing and proposed buildings, showing the use and layout of internal space, and front, rear and side building facade elevations, both at a scale not exceeding eight feet per inch.

C. Location and design of existing and proposed parking, loading, access and circulation improvements, showing dimensions of the same.

D. Existing and proposed topographic contours of the site and areas affecting and affected by the site. Contour intervals shall not exceed the following: up to 10% grade: two feet; over 10% grade: five feet. Contour elevations shall be referenced to the National Geodetic Vertical Datum of 1929. **[Amended 1-17-2007 by Ord. No. 3035]**

E. If new buildings or paved areas are proposed or if regrading near existing buildings is proposed, proposed spot grades at the corners of all buildings and in appropriate pavement locations, and finished floor elevations.

F. Existing and proposed utility service, including septic systems with test hole locations and soil log information, connections to sanitary sewers, wells, connections to water mains, fire hydrants, etc.

G. Existing and proposed storm drainage design and improvements, including a map showing the entire drainage area, the drainage area contributing to each pertinent drainage structure and drainage tabulation sheets showing calculations for each drainage area. Provisions for rooftop drainage shall also be shown.

H. Existing and proposed site illumination, including height and location of fixture, type of fixture and bulb, pole material and manufacturer's isocandela diagram superimposed upon the site plan.

I. Location and description of existing and proposed landscaping. Information for proposed landscaping shall be include common and scientific names, number of plants, planted size and root specification.

J. Existing and proposed signs, including the size, materials, nature of construction, location and any illumination of same.

K. The location and design of fences, walls, sidewalks and similar improvements to be proposed.

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L. The location and design of solid waste disposal containers and recycling containers.

M. If development is proposed in phases or stages, a phasing plan.

§ 190-74. Final major site plans.

In addition to the requirements indicated in § 190-67, the following information shall be submitted for all final major site plans:

A. Those items required for preliminary major site plans pursuant to § 190-73, shown in final form.

B. Information sufficient to demonstrate that all of the conditions of preliminary approval have been satisfied.

§ 190-75. Variance applications or appeals.

All applications or appeals for a "C" variance or "D" variance, when site plan or subdivision approval is not required, or when the variance application has been bifurcated from subsequent site plan or subdivision applications which may be required by this chapter, shall submit the information required by § 190-67. The Board reviewing the application shall have the authority to request additional information not required by § 190-67 if, in its opinion, such additional information is necessary to make an informed decision on the application or appeal.

§ 190-76. Other applications or appeals.

Applications or appeals for other than variance relief shall be required to submit the information specified in the procedural sections for said appeals, § 190-29, 190-30, 190-31 or 190-32, as appropriate.

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ARTICLE IX
Design Guidelines, Standards and Construction Specifications

§ 190-77. Applicability; general design guidelines. [Amended 8-13-2014 by Ord. No. 3426]

This article provides design guidelines, design standards and construction specifications which shall apply to applications for site plan or subdivision approval and to improvements and activities which are exempted from the requirement to obtain formal site plan approval. Site plans and subdivisions, and improvements and activities which are exempt from formal site plan approval requirements, except for individual lot applications for detached one- or two-dwelling-unit buildings and permitted accessory uses and structures thereto, shall be designed to:

A. Be consistent with the Village Master Plan, Official Map and with the zoning regulations, Article X of this chapter;

B. Consider county, regional and state plans for the Village, and to conform to all applicable regulations of the county, state or federal governments, as well as any regional entities having jurisdiction;

C. Minimize negative impacts to the natural and man-made environment, including wetlands, areas prone to flooding, stream corridors, steep slopes, surface and ground water systems, significant stands of vegetation, wildlife, historical structures and sites, existing structures, neighborhood character and the fiscal stability of the community; and

D. Advance the purposes of this chapter and the Municipal Land Use Law,[41] as applicable.

§ 190-78. Blocks and lots.

A. General. The layout of blocks and lots shall be designed to:

(1) Be compatible with the lot and block patterns established in the neighborhood, as appropriate;

(2) Minimize negative impacts to the natural and man-made environments;

(3) Provide for a well-designed system for circulation and access; and

(4) Provide a suitable amount of land on each lot that will enable appropriate development according to this chapter without undue environmental impact.

B. Block length. No block shall exceed 1,000 feet in length, except when a greater length is necessary to implement a conforming dead end street layout as permitted by this chapter.

C. Block corners at intersections shall be rounded at the property line with a minimum radius of 25 feet.

D. Conformance with zoning. Whenever a new lot is formed from a part of any other lot or lots, the assembly or separation shall be effected in such a manner as not to impair any of the requirements of this chapter. No subdivision shall be permitted which results in a change in area, width or front, side or rear yard that fails to comply in every respect with the required provisions of the district in which it is located.

E. Lot shape. Lots shall be shaped to enable proper use, maintenance of and access to the lot, and in keeping with the planned future development of the area, as indicated in the Master Plan and zoning regulations. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to

41. **Editor's Note: See N.J.S.A. 40:55D-1 et seq.**

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curved streets.

F. Each lot must front upon an approved street at least 50 feet in width, or such greater width that may be required by the Village Master Plan, Official Map or by any other law.

G. Reserve access strips. No subdivision showing reserve strips controlling access to streets shall be approved unless the control and disposal of land comprising such strips has been placed in the Village Council under conditions approved by the Board and the Council.

H. Suitability of lots for development. The Board may, after adequate investigation, withhold approval of any lot which, in its opinion, is not suitable for its intended use due to factors such as, but not limited to, rock formations, surface or underground mines, flooding, wetlands, soil conditions, presence of hazardous materials, excessive slopes, etc.

§ 190-79. Streets.

The following standards shall apply for all streets which are within the jurisdiction of the Village of Ridgewood.

A. General. Streets, driveways, aisles and sidewalks shall be designed to:

(1) Comply with the proposals in the Village Master Plan and Official Map;

(2) Permit the safe, efficient, and orderly movement of vehicular and pedestrian traffic;

(3) Discourage heavy volumes of through traffic on minor streets and in residential areas;

(4) Provide for anticipated future volumes and speeds of traffic;

(5) Provide for adequate access and movement of emergency and service vehicles, including police and fire-fighting equipment, school buses, street maintenance vehicles, garbage trucks, delivery vehicles, etc.;

(6) Provide access to adjacent properties without unduly interfering with the flow of traffic;

(7) Provide a simple and logical street pattern; and

(8) Provide an attractive streetscape.

B. Street width. The width of street right-of-way and pavement shall be as set forth below, according to the Master Plan street classifications, unless in a particular situation the Master Plan or Official Map require a greater width, and provided that the Board may require greater width in a particular situation based upon analysis of traffic and street conditions:

(1) Width of street.

Street Classification	Right-of-Way (feet)	Pavement (feet)
Village arterial	60	40
Village collector	50	30
Minor	50	30

(2) Subdivisions which abut existing streets that do not conform to the width standards of this

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chapter shall dedicate additional width along one or both sides of such street as may be required or permitted by law.

(3) Half streets. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with other requirements of this chapter and where the Board finds that it will be practical to require the dedication of the other half of the street when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half street shall be platted within such tract.

C. Street grades and grading. Streets shall be graded in accordance with the following standards:

(1) Minimum grade. All streets shall have a minimum center-line grade of 1%.

(2) Maximum grade. No street shall have a center-line grade which exceeds 10%.

(3) The developer shall be required to grade the full width of the street right-of-way, and to grade abutting property as necessary to comply with the design standards of this chapter for streets. Where required by the Board, the developer shall provide slope-right easements on property abutting the street right-of- way.

D. Sight easements for horizontal curves. Sight easements shall be provided at horizontal curves when it is determined by the Planning Board and the Village Engineer that the same are necessary for proper visibility. The boundaries of the easement shall be determined based upon conditions which exist at the curve.

E. Street intersections. The following standards shall apply:

(1) Street intersections shall be as nearly at right angles as possible, and in no case shall the angle of intersection be less than 60°.

(2) New intersections created with an existing street shall be aligned with any existing or planned streets on the opposite side of the intersecting street and shall minimize jogs and sharp angles.

(3) Sight easements shall be provided at all intersections, when essential for traffic safety.

F. Dead end streets. The following standards shall apply to dead end streets:

(1) The maximum length of dead-end streets shall relate to the district within which the lots fronting on the street are located, in accordance with the following schedule. The length shall be measured along the center line of the street(s) between the extreme dead end of the right-of-way line at the turning circle to the center line of the nearest intersecting through street.

Zone	Maximum Length of Cul-de-Sac (feet)
R-125	1,250
R-110	1,100
R-1	1,000
R-2	750
R-3	600
R-4	500

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Zone	Maximum Length of Cul-de-Sac (feet)
Other	As determined by the Board

(2) There shall be a turnaround provided at the end of all dead-end streets with a minimum outside curb radius of 30 feet and a minimum right-of-way radius of 40 feet. Whenever possible, the turnaround shall be tangent to the right side of the street as one approaches the turnaround.

(3) If a dead-end street is of a temporary nature, a turnaround shall be provided in accordance with the standards for permanent turnarounds. Provision shall be made for the future extension of the street and the reversion of excess right-of-way to abutting property owners. Removal of the temporary turnaround and installation of permanent improvements, including but not limited to pavement, sidewalks, curbs, topsoil, shade trees, driveway aprons, etc. shall be at the developer's sole expense.

G. Street pavement. All streets shall be paved in accordance with the street specifications for the Village.

H. Private streets. Any private street proposed for any development shall follow the same standards required for public streets.

§ 190-80. Curbs.

Streets, parking areas, loading areas, driveways for nonresidential and multifamily residential developments and other paved areas required by the Board shall be bounded by curbs constructed according to the Village street curb standards.

§ 190-81. Sidewalks.

Sidewalks shall be constructed in accordance with the following standards:

A. Sidewalks shall be installed on both sides of streets.

B. Sidewalks shall be at least four feet wide, except where site conditions warrant a greater width.

C. Provisions are to be made for access by disabled persons, particularly as they relate to entranceways and ramps, both within new and remodeled buildings and structures.

§ 190-82. Driveway aprons.

Flared driveway aprons shall be provided between the street pavement and the sidewalk or, when no sidewalk is required, between the street pavement and the right-of-way line, in accordance with the requirements of the Director of Public Works.

§ 190-83. Stormwater management and flood protection. [Amended 1-15-2003 by Ord. No. 2814; 3-8-2006 by Ord. No. 2983; 1-17-2007 by Ord. No. 3035; 11-9-2009 by Ord. No. 3223; 2-24-2021 by Ord. No. 3844]

A. Scope and purpose.

(1) Policy statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure best management practices (GI BMPs) and nonstructural stormwater management strategies. GI

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BMPs and low-impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

(2) Purpose. The purpose of this section is to establish minimum stormwater management requirements and controls for major development and minor development, as defined below in Subsection B.

(3) Applicability.

(a) This section shall be applicable to the following major developments:

[1] Nonresidential major developments; and

[2] Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

(b) This section shall also be applicable to all major developments undertaken by the Village of Ridgewood.

(c) This section shall be applicable to minor developments as defined by this section.

(4) Compatibility with other permit and ordinance requirements.

(a) Development approvals issued pursuant to this section are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this section shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(b) This section is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

B. Definitions. For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

BERGEN COUNTY REVIEW AGENCY — An agency designated by the Bergen County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

(1) A county planning agency; or

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(2) A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

CAFRA CENTERS, CORES OR NODES — Those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

CAFRA PLANNING MAP — The map used by the Department to identify the location of Coastal Planning Areas, CAFRA Centers, CAFRA Cores, and CAFRA Nodes. The CAFRA Planning Map is available on the Department's geographic information system (GIS).

COMMUNITY BASIN — An infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

COMPACTION — The increase in soil bulk density.

CONTRIBUTORY DRAINAGE AREA — The area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

CORE — A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

DEPARTMENT — The Department of Environmental Protection.

DESIGN ENGINEER — A person professionally qualified and duly licensed in New Jersey to perform professional engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DESIGNATED CENTER — A State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, Village, or hamlet.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, when more than 40% the exterior of an existing structure or building (as listed on the Tax Assessor property card) is altered, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural land, "development" means any activity that requires a state permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

DISTURBANCE — The placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

DRAINAGE AREA — A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

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EMPOWERMENT NEIGHBORHOODS — Neighborhoods designated by the Urban Coordinating Council in consultation and conjunction with the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.

ENVIRONMENTALLY CONSTRAINED AREA — The following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

ENVIRONMENTALLY CRITICAL AREA — An area or feature which is of significant environmental value, including but not limited to stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and wellhead protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

GREEN INFRASTRUCTURE — A stormwater management measure that manages stormwater close to its source by:

(1) Treating stormwater runoff through infiltration into subsoil;

(2) Treating stormwater runoff through filtration by vegetation or soil; or

(3) Storing stormwater runoff for reuse.

HUC 14 or HYDROLOGIC UNIT CODE 14 — An area within which water drains to a particular receiving surface water body, also known as a "subwatershed," which is identified by a fourteen-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

IMPERVIOUS SURFACE — A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION — The process by which water seeps into the soil from precipitation.

LEAD PLANNING AGENCY — One or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

MAJOR DEVELOPMENT —

(1) An individual development, as well as multiple developments that individually or collectively result in:

(a) The disturbance of one or more acres of land since February 2, 2004;

(b) The creation of 1/4 acre or more of "regulated impervious surface since February 2, 2004;

(c) The creation of 1/4 acre or more of regulated motor vehicle surface since March 2, 2021 (or the effective date of this section, whichever is earlier); or

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(d) A combination of Subsection (1)(b) and (c) above that totals an area of 1/4 acre or more. The same surface shall not be counted twice when determining if the combination area equals 1/4 acre or more.

(2) Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of Subsection (1)(a), (b), (c) or (d) above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered major development.

MINOR DEVELOPMENT — The occurrence of whenever more than 40% of the exterior of an existing structure or building (as listed on the Tax Assessor property card) is altered; or any development other than that defined as major development.

MOTOR VEHICLE — Land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low-speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope-grooming machines, battery-powered pedestrian conveyances such as scooters or e-bikes, or vehicles that run only on rails or tracks.

MOTOR VEHICLE SURFACE — Any pervious or impervious surface that is intended to be used by motor vehicles and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

MUNICIPALITY — The Village of Ridgewood.

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL or BMP MANUAL — The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Subsection D(6) of this section and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

NODE — An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT — A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON — Any individual, corporation, company, partnership, firm, association, political subdivision of this state and any state, interstate or federal agency.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, litter, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance [except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.)], thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue

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discharged directly or indirectly to the land, ground waters or surface waters of the state, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

RECHARGE — The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

REGULATED IMPERVIOUS SURFACE — Any of the following, alone or in combination:

(1) A net increase of impervious surface;

(2) The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);

(3) The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or

(4) The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

REGULATED MOTOR VEHICLE SURFACE — Any of the following, alone or in combination:

(1) The total area of motor vehicle surface that is currently receiving water;

(2) A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

SEDIMENT — Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE — The lot or lots upon which a major development is to occur or has occurred.

SOIL — All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) — An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP — The geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

STORMWATER — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

STORMWATER MANAGEMENT BMP — An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE — Any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal nonstormwater discharges into stormwater conveyances.

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STORMWATER MANAGEMENT PLANNING AGENCY — A public body authorized by legislation to prepare stormwater management plans.

STORMWATER MANAGEMENT PLANNING AREA — The geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

STORMWATER RUNOFF — Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

TIDAL FLOOD HAZARD AREA — A flood hazard area in which the flood elevation resulting from the two-, ten-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD — A neighborhood given priority access to state resources through the New Jersey Redevelopment Authority.

URBAN REDEVELOPMENT AREA — Previously developed portions of areas:

(1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;

(2) Designated as CAFRA Centers, Cores or Nodes;

(3) Designated as Urban Enterprise Zones; and

(4) Designated as Urban Coordinating Council Empowerment Neighborhoods.

WATER CONTROL STRUCTURE — A structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, ten-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

WATERS OF THE STATE — The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

C. Design and performance standards for stormwater management measures.

(1) Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

(a) The minimum standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.

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(b) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

(2) The standards in this section apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or water quality management plan adopted in accordance with Department rules.

D. Stormwater management requirements for major development.

(1) The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Subsection J.

(2) Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 13:1B-15.150, particularly Helonias bullata (swamp pink) and/or Clemmys muhlenbergi (bog turtle).

(3) The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Subsection D(16), (17) and (18):

(a) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

(b) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

(c) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

(4) A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Subsection D(15), (16), (17) and (18) may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

(a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

(b) The applicant demonstrates through an alternative's analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Subsection D(15), (16), (17) and (18) to the maximum extent practicable;

(c) The applicant demonstrates that, in order to meet the requirements of Subsection D(15), (16), (17) and (18), existing structures currently in use, such as homes and buildings, would need to be condemned; and

(d) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Subsection D(4)(c) above within the upstream drainage area of the receiving stream, that would provide additional

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opportunities to mitigate the requirements of Subsection D(15), (16), (17) and (18) that were not achievable on-site.

(5) Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Subsection D(15), (16), (17) and (18). When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2(f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at https://njstormwater.org/bmp_manual2.htm.

(6) Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1
Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation From Seasonal High Water Table (feet)
Cistern	0%	Yes	No	—
Dry well[a]	0%	No	Yes	2
Grass swale	50% or less	No	No	2[e] 1[f]
Green roof	0%	Yes	No	—
Manufactured treatment device[a][g]	50% or 80%	No	No	Dependent upon the device
Pervious paving system[a]	80%	Yes	Yes[b] No[c]	2[b] 1[c]
Small-scale bioretention basin[a]	80% or 90%	Yes	Yes[b] No[c]	2[b] 1[c]

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Table 1
Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation From Seasonal High Water Table (feet)
Small-scale infiltration basin[a]	80%	Yes	Yes	2
Small-scale sand filter	80%	Yes	Yes	2
Vegetative filter strip	60% to 80%	No	No	—

Table 2
Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality With a Waiver or Variance From N.J.A.C. 7:8-5.3)

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation From Seasonal High Water Table (feet)
Bioretention	80% or 90%	Yes	Yes[b] No[c]	2[b] 1[c]
Infiltration basin	80%	Yes	Yes	2
Sand filter[b]	80%	Yes	Yes	2
Standard constructed wetland	90%	Yes	No	N/A
Wet pond[d]	50% to 90%	Yes	No	N/A

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Table 3
BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity
Only With a Waiver or Variance From N.J.A.C. 7:8-5.3

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation From Seasonal High Water Table (feet)
Blue roof	0%	Yes	No	N/A
Extended detention basin	40% to 60%	Yes	No	1
Manufactured treatment device[h]	50% or 80%	No	No	Dependent upon the device
Sand filter[c]	80%	Yes	No	1
Subsurface gravel wetland	90%	No	No	1
Wet pond	50% to 90%	Yes	No	N/A

NOTES TO TABLES 1, 2, AND 3:

(a) Subject to the applicable contributory drainage area limitation specified at Subsection D(15)(b).

(b) Designed to infiltrate into the subsoil.

(c) Designed with underdrains.

(d) Designed to maintain at least a ten-foot wide area of native vegetation along at least 50% of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation.

(e) Designed with a slope of less than 2%.

(f) Designed with a slope of equal to or greater than 2%.

(g) Manufactured treatment devices that meet the definition of green infrastructure at Subsection B.

(h) Manufactured treatment devices that do not meet the definition of green infrastructure at Subsection B.

(7) An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to

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calculate the removal rate shall be provided to the Department in accordance with Subsection F(2). Alternative stormwater management measures may be used to satisfy the requirements at Subsection D(15) only if the measures meet the definition of green infrastructure at Subsection B. Alternative stormwater management measures that function in a similar manner to a BMP listed at Subsection D(15)(b) are subject to the contributory drainage area limitation specified at Subsection D(15)(b) for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Subsection D(15)(b) shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Subsection D(4) is granted from Subsection D(15).

(8) Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

(9) Design standards for stormwater management measures are as follows:

(a) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);

(b) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than 1/3 the width of the diameter of the orifice or 1/3 the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Subsection H(3);

(c) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion-resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 5:21-7.4, and 5:21-7.5 shall be deemed to meet this requirement;

(d) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Subsection H; and

(e) The size of the orifice at the intake to the outlet from the stormwater management BMP

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shall be a minimum of 2 1/2 inches in diameter.

(10) Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Subsection B may be used only under the circumstances described at Subsection D(15)(d).

(11) Any application for a new agricultural development that meets the definition of major development at Subsection B shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Subsections D(15), (16), (17) and (18) and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

(12) If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsections D(16), (17) and (18) shall be met in each drainage area, unless the runoff from the drainage areas converge on-site and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

(13) Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded with the Bergen County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsections D(15), (16), (17) and (18) and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US feet or latitude and longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Subsection J(2)(e). Prior to the commencement of construction, proof that the above-required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the Clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

(14) A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Subsection D of this section and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Bergen County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with Subsection D(13) above. Prior to the commencement of construction, proof that the above-required deed notice

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has been filed shall be submitted to the municipality in accordance with Subsection D(13) above.

(15) Green infrastructure standards.

(a) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

(b) To satisfy the groundwater recharge and stormwater runoff quality standards at Subsection D(16) and (17), the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Subsection D(6) and/or an alternative stormwater management measure approved in accordance with Subsection D(7). The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry well	1 acre
Manufactured treatment device	2.5 acres
Pervious pavement systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale bioretention systems	2.5 acres
Small-scale infiltration basin	2.5 acres
Small-scale sand filter	2.5 acres

(c) To satisfy the stormwater runoff quantity standards at Subsection D(18), the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Subsection D(7).

(d) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Subsection D(4) is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Subsection D(7) may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsection D(15), (16) and (17).

(e) For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Subsection D(15), (16) and (17), unless the project is granted a waiver from strict compliance in accordance with Subsection D(4).

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(16) Groundwater recharge standards.

(a) This subsection contains the minimum design and performance standards for groundwater recharge as follows:

(b) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Subsection E, either:

[1] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual preconstruction groundwater recharge volume for the site; or

[2] Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm is infiltrated.

(c) This groundwater recharge requirement does not apply to projects within the urban redevelopment area, or to projects subject to Subsection D(16)(d) below.

(d) The following types of stormwater shall not be recharged:

[1] Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department-approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

[2] Industrial stormwater exposed to source material. "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

(17) Stormwater runoff quality standards.

(a) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.

(b) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

[1] Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle

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surface.

[2] If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

(c) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with Subsection D(17)(b) above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

(d) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750

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Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

(e) If more than one BMP in series is necessary to achieve the required 80% TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

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$$R = A + B - (A \times B)/100$$

Where:

R	=	Total TSS percent load removal from application of both BMPs.
A	=	The TSS percent removal rate applicable to the first BMP.
B	=	The TSS percent removal rate applicable to the second BMP.

(f) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Subsection D(15), (16) and (17).

(g) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

(h) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the surface water quality standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.

(i) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95% of the anticipated load from the developed site, expressed as an annual average.

(j) This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

(18) Stormwater runoff quantity standards.

(a) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.

(b) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Subsection E, complete one of the following:

[1] Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving

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the site, post-construction runoff hydrographs for the two-, ten-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

[2] Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the preconstruction condition, in the peak runoff rates of stormwater leaving the site for the two-, ten- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

[3] Design stormwater management measures so that the post-construction peak runoff rates for the two-, ten- and 100-year storm events are 50%, 75% and 80%, respectively, of the preconstruction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

[4] In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with Subsection D(18)(b)[1]. [2] and [3] above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

(c) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

E. Calculation of stormwater runoff and groundwater recharge.

(1) Stormwater runoff shall be calculated in accordance with the following:

(a) The design engineer shall calculate runoff using one of the following methods:

[1] The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

[2] The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and

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Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf.

(b) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Subsection E(1)(a)[1] and the Rational and Modified Rational Methods at Subsection E(1)(a)[2]. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

(c) In computing preconstruction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

(d) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 - Urban Hydrology for Small Watersheds or other methods may be employed.

(e) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

(2) Groundwater recharge may be calculated in accordance with the following: The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf; or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

F. Sources for technical guidance:

(1) Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

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(a) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

(b) Additional maintenance guidance is available on the Department's website at https://www.njstormwater.org/maintenance_guidance.htm.

(2) Submissions required for review by the Department should be mailed to: The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

G. Solids and floatable materials control standards:

(1) Site design features identified under Subsection D(6) above, or alternative designs in accordance with Subsection D(7) above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this section, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Subsection G(1)(b) below.

(a) Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

[1] The New Jersey Department of Transportation (NJDOT) bicycle-safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

[2] A different grate, if each individual clear space in that grate has an area of no more than seven square inches or is no greater than 0.5 inches across the smallest dimension.

[a] Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

[3] For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven square inches, or be no greater than two inches across the smallest dimension.

(b) The standard in Subsection G(1)(a) above does not apply:

[1] Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than 9.0 square inches;

[2] Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger

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storm drain inlets;

[3] Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

[a] A rectangular space 4.625 inches long and one and 1.5 inches wide (this option does not apply for outfall netting facilities); or

[b] A bar screen having a bar spacing of 0.5 inches.

[c] Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle-safe grates in new residential development [N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1].

[4] Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the water quality design storm as specified in N.J.A.C. 7:8; or

[5] Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

H. Safety standards for stormwater management basins:

(1) This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.

(2) The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Subsection H(3)(a), (b) and (c) for trash racks, overflow grates, and escape provisions at outlet structures.

(3) Requirements for trash racks, overflow grates and escape provisions.

(a) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

[1] The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;

[2] The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

[3] The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the

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basis of the net area of opening through the rack; and

[4] The trash rack shall be constructed of rigid, durable, and corrosion-resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

(b) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

[1] The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

[2] The overflow grate spacing shall be no less than two inches across the smallest dimension.

[3] The overflow grate shall be constructed and installed to be rigid, durable, and corrosion-resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

(c) Stormwater management BMPs shall include escape provisions as follows:

[1] If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to Subsection H(3), a freestanding outlet structure may be exempted from this requirement;

[2] Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than 2 1/2 feet. Safety ledges shall be comprised of two steps. Each step shall be four feet to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one to 1 1/2 feet above the permanent water surface. See Subsection H(5) for an illustration of safety ledges in a stormwater management BMP; and

[3] In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontals to one vertical.

(4) Variance or exemption from safety standard. A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

(5) Safety ledge illustration.

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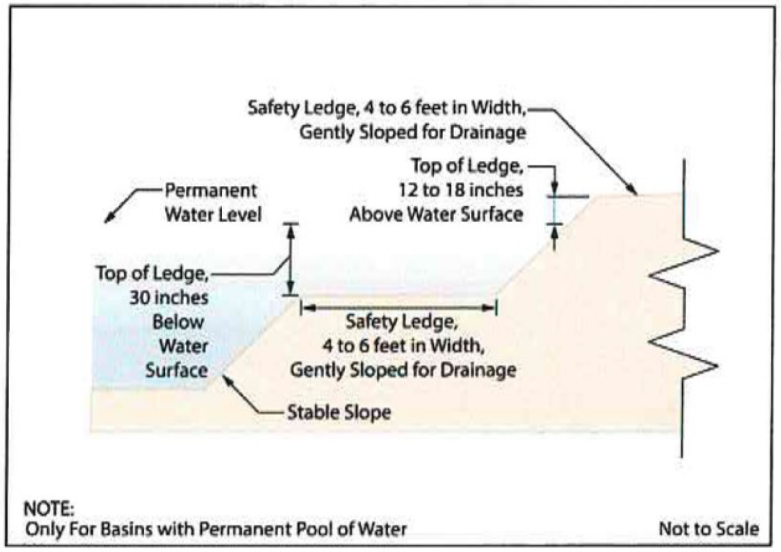
Elevation View - Basin Safety Ledge Configuration



I. Requirements for a site development stormwater plan:

(1) Submission of site development stormwater plan.

(a) Whenever an applicant seeks municipal approval of a development subject to this section, the applicant shall submit all of the required components of the checklist for the site development stormwater plan at Subsection I(3) below as part of the submission of the application for approval.

(b) The applicant shall demonstrate that the project meets the standards set forth in this section.

(c) The applicant shall submit three copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection I(3) of this section.

(2) Site development stormwater plan approval. The applicant's site development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this section.

(3) Submission of site development stormwater plan. The following information shall be required:

(a) Topographic base map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one inch equals 200 feet or greater, showing two-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative

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surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and man-made features not otherwise shown.

(b) Environmental site analysis. A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

(c) Project description and site plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

(d) Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of Subsections C through E are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(e) Stormwater management facilities map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

[1] Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

[2] Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(f) Calculations.

[1] Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in Subsection D of this section.

[2] When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(g) Maintenance and repair plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of Subsection J.

(h) Waiver from submission requirements. The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review

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engineer, waive submission of any of the requirements in Subsection I(3)(a) through (f) of this section when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

J. Maintenance and repair.

(1) Applicability. Projects subject to review as in Subsection A(3) of this section shall comply with the requirements of Subsection J(2) and (3).

(2) General maintenance.

(a) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

(b) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

(c) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

(d) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

(e) If the party responsible for maintenance identified under Subsection J(2)(c) above is not a public agency, the maintenance plan and any future revisions based on Subsection J(2)(g) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

(f) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

(g) The party responsible for maintenance identified under Subsection J(2)(c) above shall perform all of the following requirements:

[1] Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the

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development, including a record of all inspections and copies of all maintenance-related work orders;

[2] Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and

[3] Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsection J(2)(f) and (g) above.

(h) The requirements of Subsection J(2)(c) and (d) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department; https://www.njstormwater.org/maintenance guidance.htm.

(i) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person, in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

(3) Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

K. Requirements for minor development. The following requirements shall apply to all minor development as defined by this chapter:

(1) Erosion control standards. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

(2) Groundwater recharge standards.

(a) Applicability. Stormwater runoff from the following areas shall be recharged, provided that high pollutant runoff and/or industrial runoff not be recharged as determined by the Municipal Engineer:

[1] All roof areas of buildings or structures.

[2] Any impervious surface(s) that represents an increase of at least 200 square feet of such surfaces from the predevelopment condition.

(b) Groundwater recharge calculations. Groundwater recharge calculations, when required, shall be prepared in accordance with the New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater Recharge Areas in New Jersey.

(c) Roof drain connections. Stormwater runoff that must be recharged from roof areas shall drain to leaders that are connected to seepage pits/tanks or equivalent structures with

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Schedule 40 or SDR 35 PVC pipe having a minimum six-inch diameter.

(d) Seepage tank/retention system design.

[1] Storage capacity.

[a] When the amount of impervious surfaces that drains to the tank/system is less than 2,000 square feet, the storage volume of the tank/system must be at least one gallon for each square foot of impervious cover draining to the tank. The volume of the air voids in the clean stone surrounding a tank/system shall not be counted toward the required volume.

[b] When the amount of impervious surfaces that drains to the tank/system is at least 2,000 square feet, the tank/system shall must be designed by a professional engineer licensed in the State of New Jersey so that the stormwater runoff from the site is no greater after than in the predevelopment condition for the following storms:

[i] One hour: three-inch rainfall.

[ii] Twenty-four hours: seven-inch rainfall.

[c] Soil tests. Soil percolation tests results shall be submitted to support design calculations when required by the Village Engineer.

[2] Tanks/systems shall be located a minimum of 15 feet from proposed or existing structure foundations, and located outside the required building envelope (i.e., area formed by the minimum setback lines for the principal building) whenever possible.

[3] Tanks/systems shall be located at least five feet from the property line, provided that the Village Engineer may require a greater setback when it is determined that such location is not sufficient to avoid significant detriments to adjacent lands.

[4] At least two feet of cover shall be provided over all tanks/systems. Tanks/systems in trafficked or paved surfaced shall have covers rated for H-20 loadings.

(3) Runoff quantity standards.

(a) Applicability. All development that results in an increase of at least 200 square feet of impervious cover from the predevelopment condition shall be designed so that there is no increase in the rate of stormwater runoff from the predevelopment condition.

(b) Runoff calculation methodology. All runoff calculations shall be based on the two-, ten-, and 100-year storm events. Runoff shall be calculated using either the Rational Method (modified for hydrograph computations) or the USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook, Section 4 - Hydrology and Technical Release 55 Urban Hydrology for Small Watersheds.

(4) Technical guidance. Technical guidance is available on a limited basis with the Engineering Division during normal office hours at Village Hall.

(5) Soil movement permits. A soil movement permit in accordance with Chapter 246 is required on a separate application whenever more than 100 cubic yards of soil is proposed to be moved.

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L. Retrofitting existing storm drain inlets. No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

(1) Already meets the design standard described under this section for the control of the passage of solid and/or floatable materials; or

(2) Is retrofitted or replaced to meet the design standard under this section prior to the completion of the project.

M. Penalties. Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this section shall be subject to remedies and penalties as per the Village Code.

§ 190-84. Street trees.

The following standards shall apply to the placement of street trees:

A. Street trees shall be placed on both sides of the street within the right-of-way and spaced not more than 50 feet apart.

B. Street trees shall be located where they will not interfere with sidewalks, utility lines or pipes located above or below the ground; where they will not interfere with the proper distribution of light from street lighting fixtures, and where they will not interfere with proper sight distance.

C. The choice of tree species shall be as approved by the Board. Tree species to be used shall be appropriate for their neighborhood location, hardiness, soil characteristics, light exposure and available moisture and shall not be unusually susceptible to pests or diseases, nor shall they require a high degree of maintenance.

D. All street trees shall have a minimum trunk caliper of 1 3/4 to two inches at the time of installation.

E. Street trees shall be trimmed so that the lowest branches will be at least six feet above the ground at the base of the tree at the time of planting.

F. The condition of all street trees shall be approved by the Director of Parks and Recreation prior to planting.

§ 190-85. Lighting.

Illumination for streets and properties shall be designed in accordance with the following standards:

A. General. Site lighting shall be designed to:

(1) Provide adequate illumination in appropriate locations for site users and the general public for purposes of traffic and pedestrian safety, security, property and building identification, and aesthetic improvement;

(2) Prevent excessive illumination and glare; and

(3) Provide proper orientation and shielding of fixtures to prevent undue illumination of adjacent properties.

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B. Streetlighting. Light fixtures and standards shall be installed in accordance with the standards and specifications of the utility company providing the service.

C. Shielding of fixtures. All lighting fixtures shall be directed downward and shall be equipped with the necessary shielding so as to prevent the direct source of light from being visible from any point beyond the property lines of the premises upon which the lighting structure is located.

D. Height of fixtures. No lighting structure shall exceed a height of 20 feet, measured as set forth in § 190-119D(6). **[Amended 5-14-2008 by Ord. No. 3120]**

E. Duration of illumination. Duration of operation of all lighting and maximum lumen power permitted shall be as determined satisfactory by the Planning Board with due regard to whether any limitations imposed will deprive the applicant of a reasonable use of his property and whether the application will be detrimental to the public health and general welfare or to the property and personal rights of the abutting owners. Provision shall be made for the reduction in the intensity of illumination to the minimum needed for security purposes when the facility is not in operation.

F. All wiring for light fixtures shall be laid underground, and not strung between poles or buildings.

§ 190-86. Street name signs.

The following provisions shall apply to the placement of street name signs:

A. Street name signs shall be placed at all street intersections, including those intersections where new streets intersect an existing street.

B. Street name signs shall be of a type and at locations approved by the Director of Public Works.

C. No name applied to any street shall duplicate or so nearly resemble the name of any existing street within the Village or nearby locations outside the Village as to cause confusion. When a street is proposed as an extension of an existing street, the proposed street shall use the same name as the existing street, unless the Board directs otherwise.

§ 190-87. Survey monuments.

All survey monuments shall be designed, constructed and located as required by the Map Filing Law, N.J.S.A. 46:23-9.9 et seq.

§ 190-88. Grading and soil disturbance.

A. General. The grading of land for development shall be designed to:

(1) Minimize disturbance of steep slopes and vegetation;

(2) Minimize as well as balance the amount of cut and fill, and minimize the transportation of soil and other materials to and from the site;

(3) Minimize the potential for erosion, sedimentation, landslides and subsidence;

(4) Prevent undue concentration or alteration of stormwater flows;

(5) Avoid directing runoff over walks and paved areas, where the freezing of such runoff would create hazardous conditions for vehicles and pedestrians;

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(6) Protect groundwater supplies, including aquifer recharge areas;

(7) Enable safe and convenient access to properties, seeking to avoid excessive or insufficient slopes for paved areas and to avoid steps for pedestrian walks; and

(8) Enable appropriate maintenance of properties.

B. Preservation of topsoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least four inches of cover to all areas of the site, provided that the depth of topsoil need not exceed six inches. Said topsoil shall be stabilized by seeding and/or planting.

§ 190-89. Buildings.

Buildings shall be designed and placed in accordance with the following provisions:

A. General guidelines. The location and design of buildings shall:

(1) Encourage the most appropriate use and development of the site and adjacent properties;

(2) Preserve and enhance natural features and the physical environment;

(3) Promote a desirable visual environment which is harmonious with the character of existing development and which enhances the character of the surrounding neighborhood and the Village as a whole, and avoids adversely affecting the value of adjacent or nearby properties;

(4) Use exterior colors, facade or roof materials or a combination of colors and materials that are harmonious;

(5) Create a coordinated and harmonious appearance through the relationship of design features, such as height and mass, building proportions, rooflines, building projections and ornamental features;

(6) Use all sides of the building to contribute to the architectural unity of the building;

(7) Avoid large unbroken building masses;

(8) Use attractive and quality building materials;

(9) Provide for appropriate access by vehicles, including emergency and service vehicles, and pedestrians; and

(10) Enable service by the appropriate utilities.

B. Prohibited materials. The use of exposed concrete block is prohibited, unless the same is textured. Metal siding should not be used to such an extent that it will be a dominant architectural feature. In addition, metal siding with exposed fastenings shall not be allowed.

C. Durability of materials. All buildings shall use durable material requiring low maintenance, such as brick, stone, glass, precast concrete and wood, when properly treated. Where durability and performance are questionable, the applicant may be asked to provide a manufacturer's guaranty or proof of durability from an independent testing laboratory certification.

D. Use of color. Bright or brilliant colors shall be used only for accent and shall not substantially depart from the character of existing neighborhood colors so as to detract from the overall appearance of the neighborhood.

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E. Trademark or prototypical designs. The use of trademarks and/or prototypical designs of roofs, facades, windows, doors, awnings, signs, lights and other improvements shall be permitted after approval in accordance with the provisions of this chapter; provided, however, that the use of such marks and designs shall not, by itself, be accepted as satisfaction of the requirements for relief from any provision of this chapter. **[Added 12-14-2011 by Ord. No. 3323]**

§ 190-90. Off-street parking and loading, circulation and access.

A. General. Off-street parking, loading, circulation and access improvements shall be designed to:

(1) Provide adequate space in appropriate locations for vehicles of employees, patrons, and visitors and for shipping and delivery vehicles, including future space needs;

(2) Be compatible with the internal circulation system of a site and avoid unusual risks of traffic congestion, public safety or hazards;

(3) Avoid substantial negative impacts to adjacent properties;

(4) Discourage illegal and improper parking of vehicles;

(5) Provide only the minimum area of pavement necessary to meet site needs, and to break up large areas of pavement with landscaping;

(6) Ensure proper drainage;

(7) Provide for access by disabled persons; and

(8) Enable appropriate property maintenance and security.

B. Dimensions of parking and loading spaces. Parking and loading spaces shall be designed to provide a rectangular area with the following minimum dimensions, which shall exclude any roadway, driveway or access aisle adjacent to the parking or loading space: **[Amended 6-10-1997 by Ord. No. 2606]**

Type of Space	Space Width (feet)	Space Depth (feet)	Vertical Clearance (feet)
Automobile parking			
No curb overhang	9	20	8.5
With 2-foot curb overhang	9	18	8.5
Reserved for employees and visitors*	8.5	Same as above	8.5
Truck parking and loading	12	40	14

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* NOTE: Reduced dimensions not permitted for spaces designed to primarily serve retail sales and retail service establishments, banks and other high turnover establishments. Reduced dimension spaces shall require special hairpin striping as specified in Subsection E below.

C. Driveways and access aisles. All parking areas and structures shall be provided with adequate means of ingress and egress which shall be open and unobstructed at all times and which shall be designed to meet the following standards:

(1) Driveways for parking and loading facilities shall have a minimum width of 10 feet for one-way traffic and 20 feet for two-way traffic.

(2) Access aisles serving parking areas for multifamily residential and nonresidential uses shall have the following minimum widths, provided that any access aisle less than 24 feet wide shall only be permitted if designed for one-way traffic only:

Angle of Parking Space (degrees)	Aisle Width (feet)
0	12
30	11
45	13
60	18
90	24

(3) When appropriate, off-street parking and loading areas shall be designed so that all vehicles may turn around within the parking or loading area, thus preventing the necessity of any vehicle backing into a public street.

D. Pavement. Off-street parking and loading areas shall be paved in accordance with the following:

(1) All off-street parking areas and driveways for nonresidential districts and nonresidential uses permitted in residential districts, single-family attached dwellings and multifamily dwellings shall be surfaced with either bituminous concrete or concrete pavement in accordance with the Village specifications for streets.

(2) Provision shall be made for adequate drainage facilities for all parking and loading areas and other paved areas. All such installations shall be connected with an adequate, approved system and shall be adequate to accommodate the storm drainage runoff of the facility it is designed to serve. All drainage facilities shall be approved by the Village Engineer prior to Board approval.

E. Striping. Off-street parking and loading spaces shall be striped with painted lines in accordance with the following:

(1) All spaces within any parking or loading area shall be clearly marked and maintained to show the arrangement of spaces within said parking and loading areas.

(2) All parking spaces permitted to be reduced to 8 1/2 feet in width by this section shall utilize hairpin striping as follows:

(a) There shall be a double parallel painted line on each side of the parking space.

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(b) The width of each double line shall be four inches.

(c) The distance between the parallel lines on each side of the parking space shall be 10 inches.

(d) The distance between the parallel lines on opposite sides of each parking space shall be at least seven feet.

F. Pedestrian circulation. Paved walkways will be provided as necessary to ensure safe pedestrian circulation throughout the parking lots and into building entrances.

§ 190-91. Water supply.

A. Provision of adequate supply. The developer shall make an adequate supply of water available to each property within the development, with the supply subject to the approval of the Board, Village Engineer and the Village Water Department.

B. Floodwater protection. Water supply systems shall be designed to prevent infiltration of floodwaters into said systems or discharges from such systems into floodwaters.

C. Fire protection facilities. Fire protection facilities shall be provided for any development connected to a public water system. Hydrants shall be installed and connected in locations approved by the Village.

§ 190-92. Sanitary sewers and septic disposal systems.

The developer shall provide for the installation of sanitary sewers to service the development in accordance with the standards of the Village of Ridgewood, and as follows:

A. Floodwater protection. Sanitary sewer systems shall be designed to prevent infiltration of floodwaters into said systems or discharges from such systems into floodwaters. Septic disposal systems shall be designed and located so as to avoid impairment of them or contamination from them during periods of flooding.

B. Manholes. Locking-type manholes shall be provided except when located in the pavement of a public street.

§ 190-93. Electric, telephone, gas and cable television service.

A. The applicant shall arrange with the serving utility for the underground installation of the utility's distribution supply lines, appurtenant equipment and service connections in accordance with the provisions of the applicable standards, terms and conditions incorporated as a part of its tariff as the same are then on file with Board of Public Utilities.

B. Prior to the grant of final approval, the developer shall submit to the Board a written instrument from each serving utility which shall evidence full compliance with the provisions of this article; provided, however, that lots which abut existing streets where overhead electric or telephone distribution supply lines have theretofore been installed on any portion of the streets involved may be supplied with overhead service, but the service connections must be underground.

§ 190-94. Landscaping and buffers.

A. General. Landscaping for site plans and subdivisions shall be designed to:

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(1) Preserve and enhance the visual identity of the site, neighborhood and Village as a whole;

(2) Mitigate the potentially harmful effects of soil and vegetative disturbance, lighting and noise;

(3) Buffer incompatible uses;

(4) Screen various improvements, including buildings, parking and loading areas, utilities and drainage structures, storage areas, etc., from streets and adjacent properties; and

(5) Not conflict with traffic safety, light fixtures, electric and telephone lines or other utilities.

B. General site landscaping. Any part or portion of the site which is not used for buildings, accessory structures, loading or parking spaces or aisles, sidewalks and designated storage areas and which does not contain existing vegetation to remain shall be landscaped in accordance with an overall landscape planting plan, as approved by the Board. All landscaped portions of the site shall be maintained adequately throughout the year.

C. Protection of existing vegetation. Existing vegetation shall be preserved to the maximum extent practicable. The following shall apply:

(1) Snow fence or silt fence shall be installed at the limits of disturbance as shown on the approved development plans, which shall be at a sufficient distance to prevent disturbance of the root systems or branches of the vegetation to be preserved.

(2) Cut or fill near existing trees to be preserved shall require the installation of tree wells or retaining walls, as appropriate, to maintain the existing grade above the roots of the tree.

D. Buffers. A buffer in the form of landscaping, fences, berms and/or walls shall be provided by the developer of any nonresidential use which abuts a residentially zoned property, and by the developer of any multifamily residential use which abuts a property located in a single-family or two-family residential zone. Any buffer provided between properties shall be sufficient to provide visual separation during all seasons and to minimize the effects of headlights from vehicles, light from structures, noise and the movements of people and vehicles. The following provisions shall apply, provided that additional and/or more restrictive standards may be required by the zoning regulations, Article X of this chapter. **[Amended 2-8-2017 by Ord. No. 3579]**

(1) When topographical conditions, existing vegetation or other conditions provide a sufficient buffer as determined by the Board, no additional buffer shall be required.

(2) Buffer depths. The depth of required buffers shall be sufficient to accommodate the ultimate growth of any plantings in the buffer.

(3) Trees and shrubs used in a buffer for screening purposes shall be at least five feet high at the time of planting, and shall be of a species that will naturally grow to such additional height within five years as needed to provide a suitable visual screen, as determined by the reviewing board. The spacing of the trees and shrubs shall be designed to accommodate the mature spread of the plant species and to provide a suitable visual screen within five years, again as determined by the reviewing board.

(4) Buffers shall be protected from impact by motor vehicles and from the negative effects of road salt and snowplowing. A curb, bumper guard or the equivalent at least five inches in height above the pavement shall separate buffers from vehicle use areas, provided that utility poles or railroad ties shall not be used.

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(5) In cases where berms, fences and/or walls are proposed or required, the reviewing board shall determine the required location of such features, taking into consideration topography, the location of existing structures, trees and other vegetation to remain, sight lines and other factors as necessary to determine the location where such features would provide the most effective screen and would not unduly impair the design and function of the subject properties.

§ 190-95. Energy conservation, waste removal and recycling.

A. Energy conservation. Site plans and subdivisions shall be designed, to the greatest degree practicable, in accordance with the following provisions:

(1) Streets and lots shall be oriented in order to permit buildings to be constructed to maximize solar gain. Where possible, streets shall run in an east-west direction, and the long axis of a lot shall run in a north-south direction.

(2) Development shall take advantage of topographic conditions in order to permit buildings to be constructed to maximize solar gain and in order to provide protection from winter winds. Where possible, development shall be oriented to south-facing slopes.

(3) Existing vegetation shall be preserved and new landscaping provided to enable vegetation to provide protection from winter winds and summer sun. Where practical, evergreen trees shall be placed on the north and west sides of buildings, and deciduous trees placed on the south and east sides of buildings.

B. Waste removal and recycling. Every site plan shall show an area reserved for storage and removal of trash, refuse and recyclable materials, which shall comply with the following provisions:

(1) Such areas shall be accessible to solid waste trucks at all times.

(2) Areas for storage of trash or refuse shall be screened by an attractive and appropriate wall, fence and/or planting to obscure same from view of adjacent properties.

(3) New multifamily housing developments shall conform with the model ordinance promulgated by the New Jersey Department of Environmental Protection and Department of Community Affairs pursuant to Section 2 of P.L. 1993, c. 81 (N.J.S.A. 13:1E-99.13a) regarding the inclusion of facilities for the collection or storage of source-separated recyclable materials.

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ARTICLE X
Zoning

§ 190-96. Applicability.

A. General.

(1) No land or premises may be used and no building or structure may be erected, raised, moved, extended, enlarged, altered or used for any purpose other than a purpose permitted by this chapter for the zone district in which the land, premises, building or structure is located. All uses and construction shall be in conformity with the regulations provided for the zone district in which such land, premises, building or structure is located and any other applicable regulations of this article.

(2) No lot, yard, parking area or other open space shall be so reduced in area or dimension as to make it less than the minimum required under this chapter. No lot, yard, parking area or other open space which is already less than the minimum required under this chapter shall be further reduced in area or dimension.

(3) The control and regulation of the uses of buildings and structures by this chapter shall apply equally to the nature and extent of the uses of the lot or lots upon which they are erected. **[Amended 6-12-2024 by Ord. No. 4002]**

(a) Use regulations in commercial districts are regulated by a mix of permitted categories of uses and specific uses. Where categories of use such as "retail sales" are indicated, the definition in § 190-3 shall apply, and permitted uses within the category are meant to be broad and encompassing unless otherwise prohibited by this chapter or any other section of the Village of Ridgewood Code.

(b) Where there is uncertainty or ambiguity as to the nature of a use, the Zoning Officer shall render a determination as to its permissibility. The Zoning Officer is imbued with the authority to offer flexibility in the permission of novel or emerging uses within the permitted use categories, provided there does not appear to be a detriment to the public health, safety, morals, or general welfare.

(c) An interested party may seek an interpretation or appeal a Zoning Officer's decision pursuant to § 190-128.

(4) In the case of a lot that is split by a zone district boundary line, and the zone districts on the lot have different requirements, application of the requirements shall be as follows, unless the provisions of this chapter specifically indicate otherwise: **[Added 7-16-2003 by Ord. No. 2830]**

(a) The use shall comply with the required use standards for the zone district within which the use is located.

(b) The lot shall be required to comply with the most restrictive of the minimum lot area, minimum lot width, minimum average lot width, minimum lot frontage, minimum lot depth, minimum buildable area and minimum usable area standards of the various zone districts on the lot.

(c) The yard setbacks shall be required to comply with the required dimensions for such setbacks of the zone district within which the yard is located; thus, each portion of a building that is split by a zone boundary would be subject to the setback standards of the

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zone within which that portion of the building is located. In the event that it is not possible to measure the yard depth without crossing a zone district boundary, the most restrictive setback standard of the various zones shall apply, but only to those locations where the measurement would cross the zone boundary.

(d) The height of structures shall comply with the height requirements for the zone district within which such structures are located. In the case of a structure that is split by a zone district boundary, the most restrictive height standard shall apply.

(e) The number of parking spaces required based upon floor area shall comply with the standard applicable to the zone within which the building is located. In the case of a building that is split by a zone boundary, the parking standard in each zone shall apply to that portion of the building floor area located in such zone.

(f) The coverage by above-grade structures, the coverage by improvements, floor area ratio and density shall be required to comply with the standard for the zone in which the structures and improvements are located, calculated using the entire lot area. In the case of a building or buildings or improvements located partially in more than one zone district, a pro rata standard shall apply to the entire lot, using the following formula:

[1] Calculate that percentage of the total coverage, floor area or number of dwelling units on the lot, as applicable, proposed in each zone.

[2] Multiply the percentages resulting from the calculation in Subsection A(4)(f)[1] above for each zone times the applicable standard for coverage, floor area ratio or density, of the same zone.

[3] Add the results from the calculations in Subsection A(4)(f)[2] above to determine the applicable standard.

As an example, consider a development located on a lot split by a zone boundary: Zone A permits 25% improvement coverage and Zone B permits 20% coverage. The development proposes 3,000 square feet of coverage in Zone A and 2,000 square feet of coverage in Zone B, for a total of 5,000 square feet of coverage. The permitted coverage for the above-grade structures would be 23% of the lot area, calculated as follows:

3,000 square feet coverage proposed in Zone A ÷ 5,000 square feet total proposed coverage = 60% of total coverage proposed in Zone A

2,000 square feet coverage proposed in Zone B ÷ 5,000 square feet total proposed coverage = 40% of total coverage proposed in Zone B

60% of total coverage proposed in Zone A x 25% coverage permitted in Zone A = 15%

40% of total coverage proposed in Zone B x 20% coverage permitted in Zone B = 8%

15% + 8% equals 23% coverage permitted in lot split by zone boundary

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(5) Applicability to governmental flags. The display of the official flags of the United States, New Jersey or its political subdivisions, and any poles upon which such flags are hung, shall not be considered signs, and such flags shall be exempt from the sign regulations and historic preservation regulations of this article. **[Added 12-11-2013 by Ord. No. 3400]**

B. Permits. No zoning permit, building permit, certificate of occupancy, sign permit or historic preservation permit shall be issued until all the requirements of this chapter, any other applicable Village or state regulations and ordinances, Planning Board or Board of Adjustment decisions, necessary resolutions of the Village Council and the site plan, as approved by the Planning Board, have been and are fully complied with.

C. Subdivisions. Whenever a new lot is formed from a part of any other lot or lots, the assembly or separation shall be effected in such a manner as not to impair any of the requirements of this article. No subdivision shall be permitted which results in a change in a front, side or rear yard that fails to comply in every respect with the required provisions of the zone in which it falls.

D. Site plans. All site plans submitted to the Planning Board or the Zoning Board of Adjustment shall be required to conform to the provisions of this article.

§ 190-97. Building, zoning, and other permits; certificates of occupancy. [Amended 1-15-2003 by Ord. No. 2814; 3-12-2003 by Ord. No. 2818; 4-9-2008 by Ord. No. 3109]

The use or occupancy of land or buildings shall require the issuance of building, zoning or other permits and/or certificates of occupancy in accordance with the following provisions:

A. Building permits. Building permits shall be required and shall be administered in accordance with the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23-1 et seq., adopted pursuant to the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq. In addition, the following shall apply:

(1) No building permit shall be issued unless and until the plans and intended uses therefor indicate that such building or structure is designed to conform in all respects to the provisions of this chapter and all other applicable ordinances of the Village or it is demonstrated that such building or structure is legally nonconforming or is the subject of a valid and current variance.

(2) Prior to the issuance of a building permit for any development involving an increase of at least 200 square feet of impervious surface area, the applicant shall be required to submit to and obtain approval of a site grading and stormwater control plan by the Village Engineering Department, Planning Board or Board of Adjustment, as applicable, in accordance with §§ 190-83 and 190-120A.

(3) No building permit shall be issued for any building or structure or part thereof located in a flood hazard area unless and until the provisions of Chapter 154 and § 190-120 are complied with or it is demonstrated that such building or structure is legally nonconforming or is the subject of a valid and current variance.

(4) No building permit shall be issued for any development which requires site plan or subdivision approval, or for any improvement that may be determined to be exempt from formal site plan approval procedures in accordance with § 190-37C, unless and until the requirements of Article VII of this chapter have been met. No building permit may be issued for developments that are determined exempt from formal site plan approval procedures unless and until the Village Engineer and/or the Village Planner certifies that the development complies with the design

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standards in Article IX of this chapter. **[Amended 8-13-2014 by Ord. No. 3426]**

(5) Issuance of a building permit shall include all required zoning permits and shall negate the necessity for a separate zoning permit for the same building and/or other structure and shall supersede and revoke any zoning permit previously issued for such building and/or other structure.

B. Zoning permits. If no building permit and certificate of occupancy shall have previously been issued, or if none is required, no land shall be developed, occupied or used, in whole or in part, for any purpose whatsoever unless and until a zoning permit therefor shall have been issued by the Zoning Officer, unless exempted by this chapter or other law. The following shall apply:

(1) A zoning permit shall be required for the use of any premises which does not have upon it a building. Whenever there shall be a change contemplated in the use of any premises which does not have a building upon it, a new zoning permit therefor shall be required.

(2) Any change in use of a building or site shall be treated as a new use, and a new zoning permit shall be required therefor. Before any zoning permit shall be issued for any such change in use, all provisions of this article shall be complied with in the same manner as if the new use were an initial use of land.

(3) A zoning permit shall be required for the following improvements:

(a) A zoning permit shall be required for any exterior improvement involving a residential use, if such improvement is regulated by the zoning regulations, Articles X, XII and XIII of this chapter. Examples of improvements for which a zoning permit shall be required include, but are not limited to, fences and freestanding walls, driveways, walkways, patios, play equipment, certain sheds and other roofed structures not requiring a building permit. Retaining walls shall require a retaining wall permit as set forth in § 190-97J. Soil movement may require a soil permit as set forth in Chapter 246, Soil Removal.

(b) A zoning permit shall be required for any exterior improvement involving a nonresidential use, unless a building permit, certificate of occupancy, sign permit or historic preservation permit is required for the improvement, in which case issuance of said permits shall negate the necessity for issuance of a zoning permit for the improvement. Notwithstanding the above, signs which are exempt from the requirement to obtain a sign permit shall also be exempt from the requirement to obtain a zoning permit. Also exempt from the requirement to obtain a zoning permit shall be minor repairs to existing improvements or replacement of conforming improvements with identical conforming improvements. Improvements for which the issuance of a zoning permit is required shall include, but not necessarily be limited to, the following:

[1] Installation or modification of paving, curbing or drainage improvements;

[2] Modification of the exterior improvements of a building, including, but not limited to, roofing, siding, doors and windows, decorative trim and molding, drain gutters and leaders, and change of paint color;

[3] Installation or modification of landscaping improvements, and removal of existing vegetation;

[4] Installation or modification of exterior improvements related to lighting, heating, ventilating, cooling, security or access; and

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[5] Modification of the existing grade, including any excavation, filling, berming or other regrading.

(4) A zoning permit shall specify the use of the land or buildings and the nature of improvements and any terms or conditions imposed thereunder.

(5) When site plan, subdivision and/or conditional use approval is required, no zoning permit shall be issued until final site plan and/or final subdivision approval has been obtained and until all conditions precedent to said approval have been satisfied. In the case of improvements that are exempt from formal site plan approval procedures, no zoning permit may be issued unless and until the Village Engineer or the Village Planner certifies that the development complies with the design standards in Article IX of this chapter. **[Amended 8-13-2014 by Ord. No. 3426]**

(6) An application for a zoning permit shall include a completed application form obtained from the Zoning Officer, the application fee specified in Chapter 145 and all plans and other information necessary to determine compliance with the applicable zoning regulations. Such plan information may, at the discretion of the Zoning Officer, be required to include a current survey. The Zoning Officer shall issue or deny a zoning permit within 10 business days of the receipt of an application therefor.

(7) Once issued, a zoning permit shall be valid for up to one year from the date of issuance; if the authorized work is not commenced within such period, or if the work is suspended or abandoned for a period of six months after commencement, the permit shall become invalid.

(8) Sign permits, historic preservation permits and retaining wall permits shall be considered to be zoning permits for the affected activity and shall be subject to the provisions of this Subsection B, unless specifically exempted by the provisions for such permits. The issuance of such permits shall negate the necessity for a separate zoning permit for the improvements authorized by such permits. If such permits do not authorize all of the improvements that are the subject of the development, no zoning permit shall be issued for the balance of the improvements unless and until any and all such other permits have first been issued.

C. Sign permits. It shall be unlawful for any person to erect or relocate any sign within the Village without first obtaining a sign erection permit from the Construction Official pursuant to the following:

(1) The Construction Official shall issue permits only for such signs as are specifically allowed for the particular premises and zone district in which the premises are located.

(2) Signs exempted by § 190-122A shall not require applications or the payment of any license fees or charges, but this shall not be construed to enlarge the scope of permitted and exempt signs nor to diminish the power of the Construction Official to enforce this article.

(3) Application for a sign erection permit shall be made upon a form provided by the Construction Official and shall contain or have attached the following information: **[Amended 12-14-2016 by Ord. No. 3562]**

(a) The name, address and telephone number of the applicant, the business to which the sign is accessory and the party responsible for maintaining the sign in compliance with this chapter and in compliance with any permit conditions.

(b) The location of the premises on which or to which the sign is proposed to be erected or attached.

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(c) A plan or other diagram, with dimensions, depicting the position of the sign, indicating its location in relation to buildings, streets and sidewalks, and other improvements on its premises and on adjoining premises, including any improvements within the street right-of-way.

(d) Blueprints or ink drawings of the plans and specifications of the signs and method of erection and attachment to the premises, or a photograph of the actual sign in lieu thereof, and such information as the Construction Official may reasonably require to indicate the work to be performed and to show full compliance with this chapter and all other applicable laws and ordinances of the Village.

(e) The name, address, and telephone number of the person performing the work.

(f) The written consent of the owner and lessor of the premises.

(g) The electrical permit, if any, required by the Uniform Construction Code.

(h) In the case of temporary portable signs permitted in the Central Business District by § 190-122H(9), a valid current certificate of insurance naming the Village of Ridgewood as additional insured for comprehensive general liability (occurrence form) with a combined single limit for bodily injury, personal injury and property damage of $1,000,000 per occurrence and aggregate, meeting the Village's requirements. Such certificate of insurance shall cover the entire calendar year for which the permit is valid.

(4) Each application for each sign shall be accompanied by a filing fee as set forth in Chapter 145, Fees, with the exception of real estate for sale signs, the application for which shall be accompanied by a separate fee as set forth in Chapter 145, Fees. **[Amended 12-14-2016 by Ord. No. 3562]**

(a) Approval of an application for a real estate for sale sign shall entitle the applicant to a permit for a period of 60 days, provided that an additional fee as set forth in Chapter 145, Fees, shall be charged for extension of permits for each 30 days or part thereof and the applicant shall be required to file an additional written application for each extension requested.

(b) Approval of an application for a temporary portable sign permitted by § 190-122H(9) shall entitle the applicant to display such sign for the calendar year for which the permit is issued. For any succeeding calendar year, reapplication and approval of a new permit, along with a new application fee, shall be required, and such sign shall be required to comply with the regulations in effect at the time of the reapplication.

(5) It shall be the duty of the Construction Official, upon the filing of an application for a sign erection permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign, and if it shall appear that the proposed sign is in compliance with all the requirements of this chapter and all other laws and ordinances of the Village, he shall then issue a sign erection permit therefor.

(6) If the work authorized under an erection permit has not been completed within six months after date of issuance of the sign erection permit therefor, such permit shall become null and void.

D. Historic preservation permits. An historic preservation permit issued by the Construction Official shall be required for any of the activities described below within an historic district or on an historic site as designated by this chapter. The following provisions shall apply:

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(1) When required. A report of the Historic Preservation Commission issued by the Historic Preservation Commission shall be required before a preservation permit is issued for any of the following or before work can commence on any of the following within an historic district or on an historic site:

(a) Demolition of all or part of any building, improvement, site, place or structure.

(b) Relocation of any building, improvement, site, place or structure.

(c) Change in the exterior appearance of any building, improvement, site, place or structure by addition, reconstruction, alteration, partial demolition or dismantling or repair which change is visible from a public street. Exterior change for all primary and accessory structures shall include but is not limited to removal, repair or replacement of windows, doors, surfaces, facades, attachments, stairs, steps, porches, signs, walls, fences, antennas, solar panels, lighting, and sidewalks, including sidewalks located within the public right-of-way, where work is being performed by a private property owner.

(d) Any addition to or new construction of a principal or accessory building or structure.

(2) Exemptions. A report of the Historic Preservation Commission shall not be required before a preservation permit is issued by the Construction Official for the following:

(a) Changes to the interior of structures.

(b) Repair or exact replacement to any existing improvement, provided that the work does not alter the exterior appearance of the structure. In the event, however, that repair work is being undertaken on a building with previously installed noncontributing or disharmonious features, the provisions of this section shall not apply. The following are the types of activities permitted under this exemption:

[1] Identical replacement of existing windows and doors.

[2] Repairs of existing windows and doors and the installation of storm doors and windows that do not change their design scale or appearance.

[3] Maintenance and repair of existing roofing materials involving no change in the design, scale or appearance of the structure.

[4] Structural repairs which do not alter the exterior appearance of the structure.

[5] Maintenance, repair or replacement of existing clapboards, shingles or other siding with identical material.

[6] Interior painting.

[7] Exterior repainting with the same color paint that exists legally.

(3) Referral of preservation permits. All applications for issuance of preservation permits pertaining to historic sites or property in historic districts shall be referred to the Historic Preservation Commission for a report of the Historic Preservation Commission on the application of the zoning ordinance provisions concerning historic preservation to any of those aspects of the change proposed, which aspects were not determined by approval of an application for development by a municipal agency. Notwithstanding the foregoing, in the case of an application exempted from site plan approval requirements, the Chair of the Commission, or the

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Vice Chair in the Chair's absence, may act on behalf of the Commission regarding the referral of any historic preservation permit application, as determined by the Chair or Vice Chair, as applicable. **[Amended 8-13-2014 by Ord. No. 3426]**

(a) The Historic Preservation Commission shall submit its report to the Construction Official within 45 days of the referral of the application to the Historic Preservation Commission. In the case of those matters where the Chair or Vice Chair acts on behalf of the entire Commission, The Chair, or Vice Chair when applicable, shall provide his/her recommendation to the Site Plan Exemption Committee. For those permit applications submitted to the Construction Official/Zoning Officer, the Chair shall submit his report to the Construction Official.

(b) If, within the forty-five-day period, the Historic Preservation Commission, its Chair or Vice Chair, as applicable, recommends to the Construction Official against the issuance of the preservation permit or recommends conditions to the preservation permit to be issued, the Construction Official shall deny issuance of the preservation permit or include the conditions in the preservation permit, as the case may be.

(c) Failure to report within the forty-five-day period shall be deemed to constitute a report in favor of issuance of the preservation permit and without the recommendation of conditions to the preservation permit.

(4) Procedure where demolition disapproved. In the event that the Construction Official disapproves an application for a preservation permit to move or demolish a historic building, place or structure, the owner shall, nevertheless, as a matter of right, be entitled to raze or demolish such building, place or structure, provided that all of the following requirements shall be fully met prior to such demolition:

(a) After applying for the necessary preservation permit and receiving notice of denial for the same from the Construction Official, the owner shall appeal the denial to the Zoning Board of Adjustment.

(b) If the Zoning Board of Adjustment affirms the permit denial, the owner shall comply with the notice requirements set forth below.

[1] Demolition notice posted; publication. Notice of proposed demolition shall be posted on the premises of the building, place or structure throughout the notice period in a location such that it is clearly readable from the street. In addition, the applicant shall publish a notice in the official newspaper of the Village as follows:

[a] Within the first 10 days of the notice period.

[b] Within not less than 10 nor more than 15 days prior to the expiration of the notice period.

[c] At least once each 30 days between the above first and last notifications, throughout the notice period.

[2] Notice period. The period of time during which notice must be given in the manner herein before set forth shall be known as the "notice period." The notice period shall be as follows:

[a] The notice period shall commence on the 10th day following the date of the

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notice of denial received from the Zoning Board of Adjustment after an appeal and such notice period shall run for a period time of up to six months, as determined by the Commission.

[b] A property owner may satisfy the notice period required for demolition of an historic site or of a building, place or structure in an historic district by following the procedures set forth herein prior to or concurrently with applying for the demolition permit. The applicant must also attempt to take any and all steps to market the property in accordance with the provisions of this chapter. Provided that the procedures set forth herein have been fully complied with, the property owner will be entitled to credit for the actual time during which the notice of demolition was properly given prior to the application to the Construction Official.

(c) The owner shall, during the notice period and at a price reasonably related to its fair market value, make a bona fide offer to sell such building, place or structure and the land pertaining thereto to any person, organization, government or agency thereof or political subdivision which gives reasonable assurance that it is willing to preserve the building, place or structure and the land pertaining thereto.

(d) The owner shall not be a party to any bona fide contract, binding upon all parties thereto, for the sale of any such building, place or structure and the land pertaining thereto executed prior to the expiration of the notice period, except a contract made in accordance with Subsection D(4)(c) above.

E. Time limit for completion of exterior site improvements. All exterior site improvements authorized by a building permit, demolition permit, zoning permit, sign permit or historic preservation permit issued pursuant to this chapter shall be substantially completed in a timely manner. The intent of this provision is to prevent visual blight, property damage, erosion and sedimentation, wind-blown dust and debris, excessive weed growth, litter, vandalism, unsafe or hazardous conditions, the depreciation of property values and other harmful effects. For purposes of administering this provision, the following shall apply: **[Amended 11-8-2023 by Ord. No. 3973]**

(1) "Exterior site improvements" are defined to include, but not necessarily be limited to, exterior building siding or facing, roofing, exterior doors and windows, exterior steps, porches, driveway and parking area pavement, walks, fences, walls and lawns, as well as demolition of any of the foregoing.

(2) The following improvements shall be substantially completed within one year of the date of the issuance of the permit for the same:

(a) Exterior site improvements authorized pursuant to a permit to construct a new dwelling unit, or exterior site improvements accessory to the construction of a new dwelling unit.

(b) Exterior site improvements authorized pursuant to final major site plan approval.

(3) The following improvements shall be substantially completed within six months of the date of the issuance of the permit for the same:

(a) Exterior site improvements authorized pursuant to a permit to construct an addition to an existing dwelling unit or to alter, repair, renovate or demolish an existing dwelling unit or other exterior site improvements accessory to an existing dwelling unit, except as provided

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otherwise in Subsection E(2) above;

(b) Exterior site improvements authorized pursuant to a sign permit or historic preservation permit, except as provided otherwise in Subsection E(2) above; and

(c) Exterior site improvements authorized pursuant to minor site plan approval.

(4) In the case of exterior site improvements which were the subject of site plan approval, the approving Board may, in exceptional circumstances and upon good cause shown by the applicant, grant an extension of the time within which exterior site improvements shall be completed. In the case of exterior site improvements which were not the subject of site plan approval, the agency issuing the permit may grant similar extensions in the same manner.

(5) If no construction or demolition of exterior site improvements authorized pursuant to a zoning permit, sign permit or historic preservation permit has been initiated within the above time periods, then the permit shall be considered null and void. Failure to initiate construction or demolition pursuant to a building permit shall be subject to the provisions of the Uniform Construction Code.

(6) If construction or demolition of exterior site improvements has been initiated, but not substantially completed, within the above time periods, the failure to complete said improvements shall be considered a violation of this article and shall subject the violator or violators to the penalties hereinafter prescribed.

(7) Exterior site improvements shall not be deemed to be completed until an as-built survey showing the post-development conditions has been provided to the Zoning Officer and Village Engineer. The survey shall be included with the records of applications and permits and certificates issued per § 190-97H.

(8) Nothing in this subsection shall be construed to conflict with any other law or regulation, nor to limit the power of the Village to enforce the provisions of this article by whatever means that may exist.

F. Certificates of occupancy. Certificates of occupancy shall be required and shall be administered in accordance with the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23-1 et seq., adopted pursuant to the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq. In addition, the following shall apply:

(1) The issuance of a certificate of occupancy or a certificate of continued occupancy shall include all required zoning permits and shall negate the necessity of obtaining a separate zoning permit for the same building and/or other structure on the same premises. The issuance of a permanent certificate of occupancy or a certificate of continued occupancy shall supersede and revoke any zoning permit already granted for such building and/or other structure on the same premises.

(2) When site plan, subdivision and/or conditional use approval is required, no certificate of occupancy shall be issued until final site plan and/or final subdivision approval has been obtained and until all conditions precedent to said approval have been satisfied.

(3) No certificate of occupancy or continued occupancy shall be issued for a use and/or structure which is not permitted by the zoning regulations, unless it is shown that such use and/or structure, as applicable, is a nonconforming use and/or structure or received variance approval from the Planning Board or Board of Adjustment.

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(4) Temporary certificates of occupancy. Temporary certificates of occupancy may be permitted under certain circumstances. Such certificates shall be issued and administered in accordance with the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23-1 et seq., adopted pursuant to the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq.

G. (Reserved)

H. Records of applications and permits and certificates issued. It shall be the duty of the Zoning Officer and the Construction Official, respectively, to keep records of all applications for zoning permits, building permits, sign permits or certificates of occupancy and of all such permits and certificates issued, together with a notation of all special terms or conditions imposed thereunder. Each shall be responsible for the filing and safekeeping of all plans and specifications submitted to him with any application, and the same shall form a part of the records of his office and shall be available to all officials of the Village. Copies of any permits or certificates shall be furnished upon request to any person who shall have a right thereto by law.

I. Violations. The use or occupancy of land, buildings or structures prior to securement of a zoning permit, building permit, sign permit or a certificate of occupancy, as the case may be, when one is required shall be a direct violation of this chapter and shall subject the violator or violators to the penalties hereinafter prescribed.

J. Permits for retaining walls. Zoning permits issued by the Zoning Officer shall be required prior to the construction, reconstruction or alteration of retaining walls, except that retaining walls having a height of not more than two feet, as measured pursuant to § 190-124F, shall be exempt from this permit requirement. Walls that are exempt from permit requirements shall nonetheless comply with all applicable substantive requirements. Applications for zoning permits for retaining walls shall be referred to the Engineering Department for review. No such permit shall be issued unless construction details and, if deemed necessary by the Village Engineer, structural calculations, soil reports, foundation details, compaction certificates and grading plans, signed and sealed by a professional engineer licensed to practice in the State of New Jersey, are submitted and approved by the Village Engineer demonstrating that such wall(s) is (are) designed to avoid wall failure, protection from falls, drainage or erosion problems, or other hazardous or harmful conditions. **[Amended 5-14-2008 by Ord. No. 3120]**

(1) All retaining wall permits shall require the payment of a filing fee as set forth in § 145-6, and major retaining wall permits shall require the posting of an escrow deposit to cover the costs of professional services by the Village, as set forth in § 190-23A and § 145-6.

(2) No permit shall be issued unless the application complies with all applicable requirements of this chapter, including but not limited to § 190-124F.

(3) Denial of retaining wall permits may be appealed to the Planning Board or Board of Adjustment, depending upon which Board has jurisdiction as set forth in this chapter and in the Municipal Land Use Law.[42] The procedures for such appeals shall be the same as set forth in § 190-28, 190-29, 190-30, 190-31, 190-32, 190-33 or 190-34, as applicable, depending upon the particular basis for the appeal. In addition, any variance application before the Board of Adjustment involving a retaining wall that requires a major retaining wall permit shall be referred to the Planning Board for review and comment. No action shall be taken by the Board of Adjustment until the Planning Board has reviewed and made recommendations concerning the application, or until 35 days have elapsed since the referral to the Planning Board, whichever occurs first.

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42. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

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§ 190-98. Zoning districts and historic sites enumerated. [Amended 2-24-2010 by Ord. No. 3240;[43] 6-13-2012 by Ord. No. 3343]

For the purpose of this chapter, the Village is hereby divided into the zone districts, plus one historic district zone containing a number of historic sites, as described below and in Subsection B following:

A. Zoning districts. The following districts in the Village are hereby designated, as shown on the Zoning Map:[44] **[Amended 3-23-2016 by Ord. No. 3489; 3-23-2016 by Ord. No. 3490; 3-23-2016 by Ord. No. 3491; 11-9-2020 by Ord. No. 3817; 11-9-2020 by Ord. No. 3819]**

R-125	Single-Family Residence District
R-110	Single-Family Residence District
R-1	Single-Family Residence District
R-1A	Single-Family Attached Residence District
R-2	Single-Family Residence District
R-2A	Residence District
R-3	Two-Family Residence District
R-4	Garden Apartment Residence District
R-5	Multifamily Residence District
R-7	Multifamily Residence District
B-1	Retail Business District
B-2	Retail Business District
B-3-R	Business - Residential Zone District
C	Commercial District
CR	Commercial - Residential Zone District
HC	Highway Commercial District
P	Professional and Office District
P-2	Professional and Office District
H	Hospital District
OB-1	Office Building District
OB-2	Office Building District
T	Transition District
NWSR	North Walnut Street Redevelopment Area
AH-1	Affordable Housing District
AH-2	Affordable Housing District
AH-3	Affordable Housing Zone District

43. Editor's Note: This ordinance provided that it shall take effect after execution of a settlement agreement that resolves West Bergen Mental Healthcare's objection to the Village's housing element and fair share plan and after COAH's approval of such agreement.

44. Editor's Note: The Zoning Map is included at the end of this chapter.

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B-3 Affordable Housing Zone District

B. Historic district zone and sites.

(1) The Village Center Historic District and historic sites indicated below and on the Zoning Map are hereby designated. All properties within the district, whether designated historic sites or not, are subject to the historic preservation regulations of this chapter, as applicable. The historic district and site designations and the historic preservation regulations shall be in addition to such zoning designation and regulation as this article may otherwise require.

(2) Designated historic sites:

Block	Lot	Block	Lot	Block	Lot
2005	15	3801	3	3807	6.01
2114	6	3801	4.01	3808	2
2201	12	3802	1	3809	2
3701	3	3803	1	3809	3
3702	12	3804	13	3809	7.01
3703	1	3804	14	3810	1
3704	4	3804	16	3810	2,3,4
3704	6.01	3805	6	3810	5
3704	7	3805	10-13	3810	6
3704	9	3805	17	3810	7
3801	1	3805	18	3811	1
3801	2	3807	4		

C. Publication of designation of historic districts and historic sites. In addition to other requirements for adoption of ordinances, notice of designation of an historic site or district shall be published in the official newspaper of the Village of Ridgewood and shall be distributed to all Village agencies and officers reviewing development applications and permits. A letter of designation shall be provided by either regular or bulk mail or personal service to each property owner affected by the designation.

§ 190-99. Zoning Map. [Amended 8-9-2006 by Ord. No. 3015; 2-24-2010 by Ord. No. 3240[45]; 6-13-2012 by Ord. No. 3343; 4-13-2022 by Ord. No. 3902]

The Zoning Map of the village of Ridgewood, dated February 2022, a copy of which is attached to this chapter and made a part hereof, and delineating the districts and sites designated by § 190-98, is hereby declared to be part of this chapter.[46] The zone district boundary lines are intended generally to follow street center lines, existing lot lines, centerlines of railroad rights-of-way and the like, as indicated on such zone map. In cases of uncertainty or disagreement as to the true location of any zone district boundary line, the determination thereof shall lie with the Board of Adjustment.

45. **Editor's Note: This ordinance provided that it shall take effect after execution of a settlement agreement that resolves West Bergen Mental Healthcare's objection to the Village's housing element and fair share plan and after COAH's approval of such agreement.**

46. **Editor's Note: The Zoning Map is included as an attachment to this chapter.**

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§ 190-100. R-125 Single-Family Residence District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643;; 4-12-2017 by Ord. No. 3591]**

(1) Single-family residential uses in detached single-family residential structures.

(2) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(3) Community residences and shelters as defined in § 190-3.

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Private garages as an accessory use for up to four motor vehicles, subject to § 190-121G(3).

(2) Private swimming pools as permitted and regulated by § 190-124T. **[Amended 9-11-2019 by Ord. No. 3730]**

(3) Private tennis courts, racquetball courts, paddleball courts, platform tennis courts, handball courts and similar recreation facilities designed to serve the residents on the premises, all as regulated in § 190-124G.

(4) Signs, as regulated in § 190-122.

(5) (Reserved)[47]

(6) The office, contained in a detached single-family residence, of an ordained clergyman of any faith or Christian Science practitioner, or home office use as defined and regulated by § 190-124Q. **[Amended 4-12-2017 by Ord. No. 3591]**

(7) Family day-care homes, as regulated in § 190-124B.

(8) Accessory uses customarily incident to the above principal uses, provided that they shall not include any activity commonly conducted for gain unless specifically permitted in this section.

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the R-125 District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643]**

(1) Public or private schools for kindergarten through grade 12.

(2) Houses of worship.

(3) Public utility buildings and structures.

(4) Nonprofit club uses.

D. Prohibited uses. Any uses other than those permitted by this section are prohibited.

E. Bulk and lot regulations. The following conditions and requirements shall be complied with:

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47. Editor's Note: Former Subsection B(5), pertaining to home professional offices, was repealed 4-13-2005 by Ord. No. 2933.

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(1) Maximum building height: 30 feet, measured as set forth in § 190-119D, and 2 1/2 stories. Notwithstanding the foregoing, the height of principal buildings shall be permitted to be greater than 30 feet, but not more than 35 feet, when all of the following requirements are met: **[Amended 5-14-2008 by Ord. No. 3120]**

(a) The lot in question has a width, as defined in § 190-3, of at least 75 feet;

(b) The height of the building does not exceed 150% of the shallowest side yard depth; and

(c) The pitch of any roof greater than 30 feet high is at least 8:12 (eight inches vertical for every 12 inches horizontal).

(2) Minimum front yard: 50 feet or mean prevailing setback as established in § 190-119A(1)(d). **[Amended 11-8-2023 by Ord. No. 3973]**

(3) Minimum side yard: 20 feet.

(4) Minimum both side yards: 33% of the lot width measured at the minimum front yard setback line.

(5) Minimum rear yard: 40 feet.

(6) Minimum lot area: 25,000 square feet; provided, however, that the minimum lot area of corner lots shall be 31,000 square feet. **[Amended 7-18-2001 by Ord. No. 2744]**

(7) Minimum lot width: 125 feet, measured at the minimum front yard setback line, and 100 feet at any other point within 200 feet of the front lot line; provided, however, that the minimum lot width of corner lots shall be 155 feet at the minimum front yard setback line and 130 feet at any other point within 200 feet of the front lot line. **[Amended 7-18-2001 by Ord. No. 2744]**

(8) Minimum average lot width: 125 feet, calculated so that at least 25,000 square feet of lot area shall be provided within 200 feet of the front lot line; provided, however, that the minimum average lot width of corner lots shall be 155 feet, calculated so that at least 31,000 square feet of lot area shall be provided within 200 feet of the front lot line. **[Amended 7-18-2001 by Ord. No. 2744]**

(9) Minimum lot depth: 160 feet.

(10) Maximum total coverage by above-grade structures: 20% of the land area of the lot.

(11) Maximum coverage by above-grade structures located within 200 feet of the front lot line: 20% of the lot area within 200 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages. **[Amended 11-8-2023 by Ord. No. 3973**

(12) Maximum gross building area: as set forth in § 190-119J. **[Amended 10-10-2007 by Ord. No. 3083]**

(13) Maximum gross building area within 200 feet of the front lot line: as set forth in § 190-119J, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 200 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages. **[Amended 10-10-2007 by Ord. No. 3083; 11-8-2023 by Ord. No. 3973]**

(14) Minimum buildable area. Within any lot developed or intended to be developed for residential

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purposes, there shall be provided within the building envelope a rectangular area having a width of 80 feet and a depth of 70 feet. For purposes of administering this requirement, the rectangle width shall be construed to be that dimension that is generally parallel with the lot width, and the rectangle depth shall be construed to be that dimension that is generally parallel with the lot depth. The buildable area rectangle shall be located so as to encompass the existing principal building and above-grade structures attached to the principal building, unless such building and structures occupy an area larger than the rectangle or are located outside of the building envelope, in which case the rectangle shall encompass as much as possible of such building and structures within the building envelope. New principal buildings and attached above-grade structures shall also be located so as to result in compliance with the foregoing requirement. **[Added 10-25-2000 by Ord. No. 2713; amended 7-18-2001 by Ord. No. 2744]**

(15) Minimum usable area. **[Added 7-18-2001 by Ord. No. 2744]**

(a) Within any lot developed or intended to be developed for residential purposes, there shall be provided a usable area rectangular in shape and having a width of 100 feet and a depth of 160 feet. For purposes of administering this requirement, the rectangle width shall be construed to be that dimension that is generally parallel with the lot width, and the rectangle depth shall be construed to be that dimension that is generally parallel with the lot depth. Such usable area rectangle shall encompass the buildable area rectangle on the lot required by Subsection E(14) above and shall also be located to comply with the following requirements:

[1] The front of the usable area rectangle shall be parallel to and 50 feet from the front of the buildable area rectangle.

[2] The sides of the usable area rectangle shall be parallel to and 10 feet from the sides of the buildable area rectangle.

[3] The rear of the usable area rectangle shall be parallel to and 40 feet from the rear of the buildable area rectangle.

(b) The terms "front," "side" and "rear" in the foregoing Subsection E(15)(a)[1], [2] and [3] shall be construed to mean those sides of the rectangle that generally face the front, side and rear lot lines, respectively. The area within the usable area rectangle, and including the area within the buildable area rectangle, shall comply with the provisions of § 190-120.

(16) Maximum coverage by improvements: as set forth in § 190-119H(1) and (2). **[Added 4-12-2017 by Ord. No. 3591]**

§ 190-101. R-110 Single-Family Residence District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643; 4-12-2017 by Ord. No. 3591]**

(1) Single-family residential uses in detached single-family residential structures.

(2) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(3) Community residences and shelters as defined in § 190-3.

B. Accessory uses and structures. The following accessory uses and structures shall be permitted,

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provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Private garages as an accessory use for up to four motor vehicles, subject to § 190-121G(3).

(2) Private swimming pools as permitted and regulated by § 190-124T. **[Amended 9-11-2019 by Ord. No. 3730]**

(3) Private tennis courts, racquetball courts, paddleball courts, platform tennis courts, handball courts and similar recreation facilities designed to serve the residents on the premises, all as regulated in § 190-124G.

(4) Signs, as regulated in § 190-122.

(5) (Reserved)[48]

(6) The office, contained in a detached single-family residence, of an ordained clergyman of any faith or Christian Science practitioner, or home office use as defined and regulated by § 190-124Q. **[Amended 4-12-2017 by Ord. No. 3591]**

(7) Family day-care homes, as regulated in § 190-124B.

(8) Accessory uses customarily incident to the above principal uses, provided that they shall not include any activity commonly conducted for gain unless specifically permitted in this section.

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the R-110 District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643]**

(1) Public or private schools for kindergarten through grade 12.

(2) Houses of worship.

(3) Public utility buildings and structures.[49]

D. Prohibited uses. Any uses other than those permitted by this section are prohibited.

E. Bulk and lot regulations. The following conditions and requirements shall be complied with:

(1) Maximum building height: 30 feet, measured as set forth in § 190-11D, and 2 1/2 stories. Notwithstanding the foregoing, the height of principal buildings shall be permitted to be greater than 30 feet, but not more than 35 feet, when all of the following requirements are met: **[Amended 5-14-2008 by Ord. No. 3120]**

(a) The lot in question has a width, as defined in § 190-3, of at least 75 feet;

(b) The height of the building does not exceed 150% of the shallowest side yard depth; and

(c) The pitch of any roof greater than 30 feet high is at least 8:12 (eight inches vertical for every 12 inches horizontal).

(2) Minimum front yard: 40 feet or mean prevailing setback as established in § 190-119A(1)(d).

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48. Editor's Note: Former Subsection B(5), pertaining to home professional offices, was repealed 4-13-2005 by Ord. No. 2933.

49. Editor's Note: Former Subsection C(4), which permitted nonprofit club uses as a conditional use, was repealed 4-15-2009 by Ord. No. 3177.

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[Amended 11-8-2023 by Ord. No. 3973]

(3) Minimum side yard: 2/3 the height of the principal building on the site or 15 feet, whichever is greater.

(4) Minimum both side yards: 33% of the lot width measured at the minimum front yard setback line.

(5) Minimum rear yard: 40 feet.

(6) Minimum lot area: 19,250 square feet; provided, however, that the minimum lot area of corner lots shall be 22,750 square feet. **[Amended 7-18-2001 by Ord. No. 2744]**

(7) Minimum lot width: 110 feet, measured at the minimum front yard setback line, and 90 feet at any other point within 175 feet of the front lot line; provided, however, that the minimum lot width of corner lots shall be 130 feet at the minimum front yard setback line and 110 feet at any other point within 200 feet of the front lot line. **[Amended 7-18-2001 by Ord. No. 2744]**

(8) Minimum average lot width: 110 feet, calculated so that at least 19,250 square feet of lot area shall be provided within 175 feet of the front lot line; provided, however, that the minimum average lot width of corner lots shall be 130 feet, calculated so that at least 22,750 square feet of lot area shall be provided within 175 feet of the front lot line. **[Amended 7-18-2001 by Ord. No. 2744]**

(9) Minimum lot depth: 140 feet.

(10) Maximum total coverage by above-grade structures: 20% of the land area of the lot.

(11) Maximum coverage by above-grade structures located within 175 feet of the front lot line: 20% of the lot area within 175 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages. **[Amended 11-8-2023 by Ord. No. 3973]**

(12) Maximum gross building area: as set forth in § 190-119J. **[Amended 10-10-2007 by Ord. No. 3083]**

(13) Maximum gross building area within 175 feet of the front lot line: as set forth in § 190-119J, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 175 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages. **[Amended 10-10-2007 by Ord. No. 3083; 11-8-2023 by Ord. No. 3973]**

(14) Minimum buildable area. Within any lot developed or intended to be developed for residential purposes, there shall be provided within the building envelope a rectangular area having a width of 70 feet and a depth of 60 feet. For purposes of administering this requirement, the rectangle width shall be construed to be that dimension that is generally parallel with the lot width, and the rectangle depth shall be construed to be that dimension that is generally parallel with the lot depth. The buildable area rectangle shall be located so as to encompass the existing principal building and above-grade structures attached to the principal building, unless such building and structures occupy an area larger than the rectangle or are located outside of the building envelope, in which case the rectangle shall encompass as much as possible of such building and structures within the building envelope. New principal buildings and attached above-grade structures shall also be located so as to result in compliance with the foregoing requirement. **[Added 10-25-2000 by Ord. No. 2713; amended 7-18-2001 by Ord. No. 2744]**

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(15) Minimum usable area. **[Added 7-18-2001 by Ord. No. 2744]**

(a) Within any lot developed or intended to be developed for residential purposes, there shall be provided a usable area rectangular in shape and having a width of 90 feet and a depth of 140 feet. For purposes of administering this requirement, the rectangle width shall be construed to be that dimension that is generally parallel with the lot width, and the rectangle depth shall be construed to be that dimension that is generally parallel with the lot depth. Such usable area rectangle shall encompass the buildable area rectangle on the lot required by Subsection E(14) above, and shall also be located to comply with the following:

[1] The front of the usable area rectangle shall be parallel to and 40 feet from the front of the buildable area rectangle.

[2] The sides of the usable area rectangle shall be parallel to and 10 feet from the sides of the buildable area rectangle.

[3] The rear of the usable area rectangle shall be parallel to and 40 feet from the rear of the buildable area rectangle.

(b) The terms "front," "side" and "rear" in the foregoing Subsection E(15)(a)[1], [2] and [3] shall be construed to mean those sides of the rectangle that generally face the front, side and rear lot lines, respectively. The area within the usable area rectangle, and including the area within the buildable area rectangle, shall comply with the provisions of § 190-120.

(16) Maximum coverage by improvements: as set forth in § 190-119H(1) and (2). **[Added 4-12-2017 by Ord. No. 3591]**

§ 190-102. R-1 Single-Family Residence District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643; 4-12-2017 by Ord. No. 3591]**

(1) Single-family residential uses in detached single-family residential structures.

(2) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(3) Community residences and shelters as defined in § 190-3.

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Private garages as an accessory use for up to four motor vehicles, subject to § 190-121G(3).

(2) Private swimming pools as permitted and regulated by § 190-124T. **[Amended 9-11-2019 by Ord. No. 3730]**

(3) Private tennis courts, racquetball courts, paddleball courts, platform tennis courts, handball courts and similar recreation facilities designed to serve the residents on the premises, all as regulated in § 190-124G.

(4) Signs, as regulated in § 190-122.

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(5) (Reserved)[50]

(6) The office, contained in a detached single-family residence, of an ordained clergyman of any faith or Christian Science practitioner, or home office use as defined and regulated by § 190-124Q. **[Amended 4-12-2017 by Ord. No. 3591]**

(7) Family day-care homes, as regulated in § 190-124B.

(8) Accessory uses customarily incident to the above principal uses, provided that they shall not include any activity commonly conducted for gain unless specifically permitted in this section.

C. Conditional uses and structures. The following conditional uses and structures, shall be permitted in the R-1 District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643]**

(1) Public or private schools for kindergarten through grade 12.

(2) Houses of worship.

(3) Public utility buildings and structures.[51]

D. Prohibited uses. Any uses other than those permitted by this section are prohibited.

E. Bulk and lot regulations. The following conditions and requirements shall be complied with, except where such requirements are specifically superseded by the regulations for cluster developments in § 190-124:

(1) Maximum building height: 30 feet, measured as set forth in § 190-119D, and 2 1/2 stories. Notwithstanding the foregoing, the height of principal buildings shall be permitted to be greater than 30 feet, but not more than 35 feet, when all of the following requirements are met: **[Amended 5-14-2008 by Ord. No. 3120]**

(a) The lot in question has a width, as defined in § 190-3, of at least 75 feet;

(b) The height of the building does not exceed 150% of the shallowest side yard depth; and

(c) The pitch of any roof greater than 30 feet high is at least 8:12 (eight inches vertical for every 12 inches horizontal).

(2) Minimum front yard: 40 feet or mean prevailing setback as established in § 190-119A(1)(d). **[Amended 11-8-2023 by Ord. No. 3973**

(3) Minimum side yard: 2/3 the height of the principal building on the site or 15 feet, whichever is greater.

(4) Minimum both side yards: 33% of the lot width measured at the minimum front yard setback line.

(5) Minimum rear yard: 30 feet.

(6) Minimum lot area: 14,000 square feet; provided, however, that the minimum lot area of corner

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50. Editor's Note: Former Subsection B(5), pertaining to home professional offices, was repealed 4-13-2005 by Ord. No. 2933.

51. Editor's Note: Former Subsection C(4), which permitted nonprofit club uses as a conditional use, was repealed 4-15-2009 by Ord. No. 3177.

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lots shall be 16,800 square feet. **[Amended 7-18-2001 by Ord. No. 2744]**

(7) Minimum lot width: 100 feet, measured at the minimum front yard setback line, and 80 feet at any other point within 140 feet of the front lot line; provided, however, that the minimum lot width of corner lots shall be 120 feet at the minimum front yard setback line and 100 feet at any other point within 140 feet of the front lot line. **[Amended 7-18-2001 by Ord. No. 2744]**

(8) Minimum average lot width: 100 feet, calculated so that at least 14,000 square feet of lot area shall be provided within 140 feet of the front lot line; provided, however, that the minimum average lot width of corner lots shall be 120 feet, calculated so that at least 16,800 square feet of lot area shall be provided within 140 feet of the front lot line. **[Amended 7-18-2001 by Ord. No. 2744]**

(9) Minimum lot depth: 120 feet.

(10) Maximum total coverage by above-grade structures: 20% of the land area of the lot.

(11) Maximum coverage by above-grade structures located within 140 feet of the front lot line: 20% of the lot area within 140 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages. **[Amended 11-8-2023 by Ord. No. 3973]**

(12) Maximum gross building area: as set forth in § 190-119J. **[Amended 10-10-2007 by Ord. No. 3083]**

(13) Maximum gross building area within 140 feet of the front lot line: as set forth in § 190-119J, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 140 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages. **[Amended 10-10-2007 by Ord. No. 3083; 11-8-2023 by Ord. No. 3973]**

(14) Minimum buildable area. Within any lot developed or intended to be developed for residential purposes, there shall be provided within the building envelope a rectangular area having a width of 60 feet and a depth of 50 feet. For purposes of administering this requirement, the rectangle width shall be construed to be that dimension that is generally parallel with the lot width, and the rectangle depth shall be construed to be that dimension that is generally parallel with the lot depth. The buildable area rectangle shall be located so as to encompass the existing principal building and above-grade structures attached to the principal building, unless such building and structures occupy an area larger than the rectangle or are located outside of the building envelope, in which case the rectangle shall encompass as much as possible of such building and structures within the building envelope. New principal buildings and attached above-grade structures shall also be located so as to result in compliance with the foregoing requirement. **[Added 10-25-2000 by Ord. No. 2713; amended 7-18-2001 by Ord. No. 2744]**

(15) Minimum usable area. **[Added 7-18-2001 by Ord. No. 2744]**

(a) Within any lot developed or intended to be developed for residential purposes, there shall be provided a usable area rectangular in shape and having a width of 80 feet and a depth of 120 feet. For purposes of administering this requirement, the rectangle width shall be construed to be that dimension that is generally parallel with the lot width, and the rectangle depth shall be construed to be that dimension that is generally parallel with the lot depth. Such usable area rectangle shall encompass the buildable area rectangle on the lot required by Subsection E(14) above and shall also be located to comply with the

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following:

[1] The front of the usable area rectangle shall be parallel to and 40 feet from the front of the buildable area rectangle.

[2] The sides of the usable area rectangle shall be parallel to and 10 feet from the sides of the buildable area rectangle.

[3] The rear of the usable area rectangle shall be parallel to and 30 feet from the rear of the buildable area rectangle.

(b) The terms "front," "side" and "rear" in the foregoing Subsections E(15)(a)[1], [2] and [3] shall be construed to mean those sides of the rectangle that generally face the front, side and rear lot lines, respectively. The area within the usable area rectangle, and including the area within the buildable area rectangle, shall comply with the provisions of § 190-120.

(16) Maximum coverage by improvements: as set forth in § 190-119H(1) and (2). **[Added 4-12-2017 by Ord. No. 3591]**

§ 190-103. R-1A Single-Family Residence District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643; 4-12-2017 by Ord. No. 3591]**

(1) Single-family residential uses in detached single-family residential structures.

(2) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(3) Community residences and shelters as defined in § 190-3.

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Private garages as an accessory use for up to four motor vehicles, subject to § 190-121G(3).

(2) Private swimming pools as permitted and regulated by § 190-124T. **[Amended 9-11-2019 by Ord. No. 3730]**

(3) Private tennis courts, racquetball courts, paddleball courts, platform tennis courts, handball courts and similar recreation facilities designed to serve the residents on the premises, all as regulated in § 190-124G.

(4) Signs, as regulated in § 190-122.

(5) (Reserved)[52]

(6) The office, contained in a detached single-family residence, of an ordained clergyman of any faith or Christian Science practitioner, or home office use as defined and regulated by § 190-124Q. **[Amended 4-12-2017 by Ord. No. 3591]**

(7) Family day-care homes, as regulated in § 190-124B.

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52. Editor's Note: Former Subsection B(5), pertaining to home professional offices, was repealed 4-13-2005 by Ord. No. 2933.

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(8) Accessory uses customarily incident to the above principal uses, provided that they shall not include any activity commonly conducted for gain unless specifically permitted in this section.

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the R-1A District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643]**

(1) Single-family attached dwelling units.

(2) Public or private schools for kindergarten through grade 12.

(3) Houses of worship.

(4) Public utility buildings and structures.[53]

D. Prohibited uses. Any uses other than those permitted by this section are prohibited.

E. Required conditions.

(1) All required conditions as set forth in § 190-102E shall be complied with.

(2) Residential cluster shall be permitted as regulated in § 190-124A.

§ 190-104. R-2 Single-Family Residence District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643; 4-12-2017 by Ord. No. 3591]**

(1) Single-family residential uses in detached single-family residential structures.

(2) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(3) Community residences and shelters as defined in § 190-3.

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Private garages as an accessory use for up to four motor vehicles, subject to § 190-121G(3).

(2) Private swimming pools as permitted and regulated by § 190-124T. **[Amended 9-11-2019 by Ord. No. 3730]**

(3) Private tennis courts, racquetball courts, paddleball courts, platform tennis courts, handball courts and similar recreation facilities designed to serve the residents on the premises, all as regulated in § 190-124G.

(4) Signs, as regulated in § 190-122.

(5) (Reserved)[54]

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53. Editor's Note: Former Subsection C(5), which permitted nonprofit club uses as a conditional use, was repealed 4-15-2009 by Ord. No. 3177.

54. Editor's Note: Former Subsection B(5), pertaining to home professional offices, was repealed 4-13-2005 by Ord. No. 2933.

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(6) The office, contained in a detached single-family residence, of an ordained clergyman of any faith or Christian Science practitioner, or home office use as defined and regulated by § 190-124Q. **[Amended 4-12-2017 by Ord. No. 3591]**

(7) Family day-care homes, as regulated in § 190-124B.

(8) Accessory uses customarily incident to the above principal uses, provided that they shall not include any activity commonly conducted for gain unless specifically permitted in this section.

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the R-2 District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643]**

(1) Public or private schools for kindergarten through grade 12.

(2) Houses of worship.

(3) Public utility buildings and structures.[55]

D. Prohibited uses. Any uses other than those permitted by this section are prohibited.

E. Bulk and lot regulations. The following conditions and requirements shall be complied with:

(1) Maximum building height: 30 feet, measured as set forth in § 190-119D, and 2 1/2 stories. Notwithstanding the foregoing, the height of principal buildings shall be permitted to be greater than 30 feet, but not more than 35 feet, when all of the following requirements are met: **[Amended 5-14-2008 by Ord. No. 3120]**

(a) The lot in question has a width, as defined in § 190-3, of at least 75 feet;

(b) The height of the building does not exceed 300% of the shallowest side yard depth; and

(c) The pitch of any roof greater than 30 feet high is at least 8:12 (eight inches vertical for every 12 inches horizontal).

(2) Minimum front yard: 40 feet or mean prevailing setback as established in § 190-119A(1)(d). **[Amended 11-8-2023 by Ord. No. 3973]**

(3) Minimum side yard: 10 feet.

(4) Minimum both side yards: 33% of the lot width measured at the minimum front yard setback line.

(5) Minimum rear yard: 30 feet.

(6) Minimum lot area: 10,500 square feet; provided, however, that the minimum lot area of corner lots shall be 14,700 square feet. **[Amended 7-18-2001 by Ord. No. 2744]**

(7) Minimum lot width: 75 feet, measured at the minimum front yard setback line, and 60 feet at any other point within 140 feet of the front lot line; provided, however, that the minimum lot width of corner lots shall be 105 feet at the minimum front yard setback line and 90 feet at any other point within 140 feet of the front lot line. **[Amended 7-18-2001 by Ord. No. 2744]**

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55. Editor's Note: Former Subsection C(4), which permitted nonprofit club uses as a conditional use, was repealed 4-15-2009 by Ord. No. 3177.

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(8) Minimum average lot width: 75 feet, calculated so that at least 10,500 square feet of lot area shall be provided within 140 feet of the front lot line; provided, however, that the minimum average lot width of corner lots shall be 105 feet, calculated so that at least 14,700 square feet of lot area shall be provided within 140 feet of the front lot line. **[Amended 7-18-2001 by Ord. No. 2744]**

(9) Minimum lot depth: 120 feet.

(10) Maximum total coverage by above-grade structures: 20% of the land area of the lot.

(11) Maximum coverage by above-grade structures located within 140 feet of the front lot line: 20% of the lot area within 140 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages. **[Amended 11-8-2023 by Ord. No. 3973]**

(12) Maximum gross building area: as set forth in § 190-119J. **[Amended 10-10-2007 by Ord. No. 3083]**

(13) Maximum gross building area within 140 feet of the front lot line: as set forth in § 190-119J, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 140 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages. **[Amended 10-10-2007 by Ord. No. 3083; 11-8-2023 by Ord. No. 3973]**

(14) Minimum buildable area. Within any lot developed or intended to be developed for residential purposes, there shall be provided within the building envelope a rectangular area having a width of 50 feet and a depth of 50 feet. For purposes of administering this requirement, the rectangle width shall be construed to be that dimension that is generally parallel with the lot width, and the rectangle depth shall be construed to be that dimension that is generally parallel with the lot depth. The buildable area rectangle shall be located so as to encompass the existing principal building and above-grade structures attached to the principal building, unless such building and structures occupy an area larger than the rectangle or are located outside of the building envelope, in which case the rectangle shall encompass as much as possible of such building and structures within the building envelope. New principal buildings and attached above-grade structures shall also be located so as to result in compliance with the foregoing requirement. **[Added 10-25-2000 by Ord. No. 2713; amended 7-18-2001 by Ord. No. 2744]**

(15) Minimum usable area. **[Added 7-18-2001 by Ord. No. 2744]**

(a) Within any lot developed or intended to be developed for residential purposes, there shall be provided a usable area rectangular in shape and having a width of 60 feet and a depth of 120 feet. For purposes of administering this requirement, the rectangle width shall be construed to be that dimension that is generally parallel with the lot width, and the rectangle depth shall be construed to be that dimension that is generally parallel with the lot depth. Such usable area rectangle shall encompass the buildable area rectangle on the lot required by Subsection E(14) above, and shall also be located to comply with the following:

[1] The front of the usable area rectangle shall be parallel to and 40 feet from the front of the buildable area rectangle.

[2] The sides of the usable area rectangle shall be parallel to and five feet from the sides of the buildable area rectangle. **[Amended 8-21-2001 by Ord. No. 2753]**

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[3] The rear of the usable area rectangle shall be parallel to and 30 feet from the rear of the buildable area rectangle.

(b) The terms "front," "side" and "rear" in the foregoing Subsection E(15)(a)[1], [2] and [3] shall be construed to mean those sides of the rectangle that generally face the front, side and rear lot lines, respectively. The area within the usable area rectangle, and including the area within the buildable area rectangle, shall comply with the provisions of § 190-120.

(16) Maximum coverage by improvements: as set forth in § 190-119H(1) and (2). **[Added 4-12-2017 by Ord. No. 3591]**

§ 190-105. R-2A Residence District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643; 4-12-2017 by Ord. No. 3591]**

(1) Single-family residential uses in detached single-family residential structures.

(2) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(3) Community residences and shelters as defined in § 190-3.

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Private garages as an accessory use for up to four motor vehicles, subject to § 190-121G(3).

(2) Private swimming pools as permitted and regulated by § 190-124T. **[Amended 9-11-2019 by Ord. No. 3730]**

(3) Private tennis courts, racquetball courts, paddleball courts, platform tennis courts, handball courts and similar recreation facilities designed to serve the residents on the premises, all as regulated in § 190-124G.

(4) Signs, as regulated in § 190-122.

(5) (Reserved)[56]

(6) The office, contained in a detached single-family residence, of an ordained clergyman of any faith or Christian Science practitioner, or home office use as defined and regulated by § 190-124Q. **[Amended 4-12-2017 by Ord. No. 3591]**

(7) Family day-care homes, as regulated in § 190-124B.

(8) Accessory uses customarily incident to the above principal uses, provided that they shall not include any activity commonly conducted for gain unless specifically permitted in this section.

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the R-2A District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643]**

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56. Editor's Note: Former Subsection B(5), pertaining to home professional offices, was repealed 4-13-2005 by Ord. No. 2933.

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(1) Renovation and conversion of a single existing structure for dwelling units.

(2) Public or private schools for kindergarten through grade 12.

(3) Houses of worship.

(4) Public utility buildings and structures.[57]

D. Prohibited uses. Any uses other than those permitted by this section are prohibited.

E. Bulk and lot regulations. All bulk and lot regulations set forth in § 190-102E shall be complied with.

§ 190-106. R-3 Two-Family Residence District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643; 4-12-2017 by Ord. No. 3591]**

(1) Single-family residential uses in detached single-family residential structures.

(2) Two-family residential uses in a single structure on the same lot.

(3) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(4) Community residences and shelters as defined in § 190-3.

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Private garages as an accessory use for up to four motor vehicles, subject to § 190-121G(3).

(2) Private swimming pools as permitted and regulated by § 190-124T. **[Amended 9-11-2019 by Ord. No. 3730]**

(3) Private tennis courts, racquetball courts, paddleball courts, platform tennis courts, handball courts and similar recreation facilities designed to serve the residents on the premises, all as regulated in § 190-124G.

(4) Signs, as regulated in § 190-122.

(5) (Reserved)[58]

(6) The office, contained in a detached single-family or two-family residence, of an ordained clergyman of any faith or Christian Science practitioner, or home office use as defined and regulated by § 190-124Q. **[Amended 4-12-2017 by Ord. No. 3591]**

(7) Family day-care homes, as regulated in § 190-124B.

(8) Accessory uses customarily incident to the above principal uses, provided that they shall not include any activity commonly conducted for gain unless specifically permitted in this section.

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57. Editor's Note: Former Subsection C(5), which permitted nonprofit club uses as a conditional use, was repealed 4-15-2009 by Ord. No. 3177.

58. Editor's Note: Former Subsection B(5), pertaining to home professional offices, was repealed 4-13-2005 by Ord. No. 2933.

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C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the R-3 District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643]**

(1) Public or private schools for kindergarten through grade 12.

(2) Houses of worship.

(3) Public utility buildings and structures.[59]

D. Prohibited uses. Any uses other than those permitted by this section are prohibited.

E. Bulk and lot regulations. The following conditions and requirements shall be complied with:

(1) Maximum building height: 30 feet.

(2) Minimum front yard: 40 feet or mean prevailing setback as established in § 190-119A(1)(d). **[Amended 11-8-2023 by Ord. No. 3973; 1-17-2024 by Ord. No. 3980]**

(3) Minimum side yard: 10 feet.

(4) Minimum both side yards: 33% of the lot width measured at the minimum front yard setback line.

(5) Minimum rear yard: 30 feet.

(6) Minimum lot area: 8,400 square feet; provided, however, that the minimum lot area of corner lots shall be 12,600 square feet. **[Amended 7-18-2001 by Ord. No. 2744]**

(7) Minimum lot width: 60 feet, measured at the minimum front yard setback line, and 50 feet at any other point within 140 feet of the front lot line; provided, however, that the minimum lot width of corner lots shall be 90 feet at the minimum front yard setback line and 80 feet at any other point within 140 feet of the front lot line. **[Amended 7-18-2001 by Ord. No. 2744]**

(8) Minimum average lot width: 60 feet, calculated so that at least 8,400 square feet of lot area shall be provided within 140 feet of the front lot line; provided, however, that the minimum average lot width of corner lots shall be 90 feet, calculated so that at least 12,600 square feet of lot area shall be provided within 140 feet of the front lot line. **[Amended 7-18-2001 by Ord. No. 2744]**

(9) Minimum lot depth: 120 feet.

(10) Maximum total coverage by above-grade structures: 25% of the land area of the lot.

(11) Maximum coverage by above-grade structures located within 140 feet of the front lot line: 25% of the lot area within 140 feet of the front line. For corner lots, the distance shall be measured from all lot frontages. **[Amended 11-8-2023 by Ord. No. 3973; 1-17-2024 by Ord. No. 3980]**

(12) Maximum gross building area: as set forth in § 190-119J. **[Amended 10-10-2007 by Ord. No. 3083]**

(13) Maximum gross building area within 140 feet of the front lot line: as set forth § 190-l19J, provided that the gross building area shall be calculated using only those buildings or portions

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59. Editor's Note: Former Subsection C(4), which permitted nonprofit club uses as a conditional use, was repealed 4-15-2009 by Ord. No. 3177.

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buildings, and only that portion of the lot, located within 140 feet of the front lot line. For corner lots, the distance shall be measured from lot frontages. **[Amended 10-10-2007 by Ord. No. 3083; 11-8-2023 by Ord. No. 3973; 1-17-2024 by Ord. No. 3980]**

(14) Minimum buildable area. Within any lot developed or intended to be developed for residential purposes, there shall be provided within the building envelope a rectangular area having a width of 40 feet and a depth of 50 feet. For purposes of administering this requirement, the rectangle width shall be construed to be that dimension that is generally parallel with the lot width, and the rectangle depth shall be construed to be that dimension that is generally parallel with the lot depth. The buildable area rectangle shall be located so as to encompass the existing principal building and above-grade structures attached to the principal building, unless such building and structures occupy an area larger than the rectangle or are located outside of the building envelope, in which case the rectangle shall encompass as much as possible of such building and structures within the building envelope. New principal buildings and attached above-grade structures shall also be located so as to result in compliance with the foregoing requirement. **[Added 10-25-2000 by Ord. No. 2713; amended 7-18-2001 by Ord. No. 2744]**

(15) Minimum usable area. **[Added 7-18-2001 by Ord. No. 2744]**

(a) Within any lot developed or intended to be developed for residential purposes, there shall be provided a usable area rectangular in shape and having a width of 50 feet and a depth of 120 feet. For purposes of administering this requirement, the rectangle width shall be construed to be that dimension that is generally parallel with the lot width, and the rectangle depth shall be construed to be that dimension that is generally parallel with the lot depth. Such usable area rectangle shall encompass the buildable area rectangle on the lot required by Subsection E(14) above and shall also be located to comply with the following:

[1] The front of the usable area rectangle shall be parallel to and 40 feet from the front of the buildable area rectangle.

[2] The sides of the usable area rectangle shall be parallel to and five feet from the sides of the buildable area rectangle. **[Amended 8-21-2001 by Ord. No. 2753]**

[3] The rear of the usable area rectangle shall be parallel to and 30 feet from the rear of the buildable area rectangle.

(b) The terms "front," "side" and "rear" in the foregoing Subsection E(15)(a)[1], [2] and [3] shall be construed to mean those sides of the rectangle that generally face the front, side and rear lot lines, respectively. The area within the usable area rectangle, and including the area within the buildable area rectangle, shall comply with the provisions of § 190-120.

(16) Maximum coverage by improvements: as set forth in § 190-119H(1) and (2). **[Added 4-12-2017 by Ord. No. 3591]**

§ 190-107. R-4 Garden Apartment Residence District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643; 8-9-2006 by Ord. No. 3015; 4-12-2017 by Ord. No. 3591]**

(1) Garden apartments, multifamily dwellings and single-family attached residential dwelling units.

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(2) Single-family residential uses in detached single-family residential structures.

(3) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(4) Community residences and shelters as defined in § 190-3.

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Private garages as an accessory use for up to four motor vehicles, subject to § 190-121G(3).

(2) Private swimming pools as permitted and regulated by § 190-124T. **[Amended 9-11-2019 by Ord. No. 3730]**

(3) Private tennis courts, racquetball courts, paddleball courts, platform tennis courts, handball courts and similar recreation facilities designed to serve the residents on the premises, all as regulated in § 190-124G.

(4) Signs, as regulated in § 190-122.

(5) (Reserved)[60]

(6) The office, contained in a permitted residence, of an ordained clergyman of any faith or Christian Science practitioner, or home office use as defined and regulated by § 190-124Q. **[Amended 4-12-2017 by Ord. No. 3591]**

(7) Family day-care homes, as regulated in § 190-124B.

(8) Accessory uses customarily incident to the above principal uses, provided that they shall not include any activity commonly conducted for gain unless specifically permitted in this section.

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the R-4 District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643]**

(1) Public or private schools for kindergarten through grade 12.

(2) Houses of worship.

(3) Public utility buildings and structures.[61]

D. Prohibited uses. Any uses other than those permitted by this section are prohibited.

E. Bulk and lot regulations. All required conditions as set forth in § 190-102E shall be complied with, except that the following conditions and requirements shall be complied with for all garden apartments, multifamily dwellings and single-family attached residential dwelling units: **[Amended 8-9-2006 by Ord. No. 3015]**

(1) Maximum building height: 30 feet, and two stories.

(2) Minimum front, side and rear yard: 30 feet.

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60. Editor's Note: Former Subsection B(5), pertaining to home professional offices, was repealed 4-13-2005 by Ord. No. 2933.

61. Editor's Note: Former Subsection C(4), which permitted nonprofit club uses as a conditional use, was repealed 4-15-2009 by Ord. No. 3177.

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(3) Minimum distance between principal buildings: 30 feet.

(4) Minimum distance between arms of U-shaped buildings or groups of buildings forming a courtyard: 60 feet. No accessory building shall be permitted in any such court.

(5) Maximum bedrooms per gross acre: 32.

(6) Maximum density: 20 units per acre.

(7) Maximum unbroken wall length: 115 feet.

(8) Maximum building dimension: 150 feet.

(9) Minimum lot area: 44,000 square feet.

(10) Maximum total coverage by above-grade structures: 25% of the land area of the lot. The calculation shall include the area of all balconies, fire escapes, canopies and the like, any other provisions notwithstanding.

F. Additional requirements for garden apartment and multifamily dwelling developments. Every garden apartment or multifamily dwelling project shall meet the following requirements: **[Amended 8-9-2006 by Ord. No. 3015]**

(1) A building superintendent shall reside in the project.

(2) All dwelling units shall be limited to the first and second floors thereof, and no floor of any dwelling unit shall be in any basement.

(3) The exteriors of all accessory buildings shall conform architecturally and be constructed of materials of a like character to those used in the garden apartment or multifamily dwelling unit structures to which they are accessory.

(4) A minimum storage area of 500 cubic feet shall be provided for each dwelling unit within any garden apartment or multifamily dwelling structure, exclusive of any garage or dwelling unit or closet space.

(5) All outside clothes-drying areas shall be fenced or screened. **[Amended 4-7-2010 by Ord. No. 3242]**

(6) All open spaces in any garden apartment or multifamily dwelling project shall be adequately landscaped and maintained in good condition. **[Amended 4-7-2010 by Ord. No. 3242]**

(7) All garden apartment and multifamily dwelling developments shall be screened and buffered as required by § 190-94.

G. Additional requirements for single-family attached residential dwelling developments. Every single-family attached residential dwelling development shall meet the following requirements: **[Added 8-9-2006 by Ord. No. 3015]**

(1) No more than four dwelling units shall be permitted in any principal building.

(2) There shall be no more than two driveways providing direct access to a public street from any development.

(3) Screening and buffers shall be provided as required by § 190-94.

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§ 190-108. R-5 Multifamily Residence District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643; 4-12-2017 by Ord. No. 3591]**

(1) Multifamily dwelling units.

(2) Single-family residential uses in detached single-family residential structures.

(3) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(4) Community residences and shelters as defined in § 190-3.

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Private garages as an accessory use for up to four motor vehicles, subject to § 190-121G(3).

(2) Private swimming pools as permitted and regulated by § 190-124T. **[Amended 9-11-2019 by Ord. No. 3730]**

(3) Private tennis courts, racquetball courts, paddleball courts, platform tennis courts, handball courts and similar recreation facilities designed to serve the residents on the premises, all as regulated in § 190-124G.

(4) Signs, as regulated in § 190-122.

(5) (Reserved)[62]

(6) The office, contained in a permitted residence, of an ordained clergyman of any faith or Christian Science practitioner, or home office use as defined and regulated by § 190-124Q. **[Amended 4-12-2017 by Ord. No. 3591]**

(7) Family day-care homes, as regulated in § 190-124B.

(8) Accessory uses customarily incident to the above principal uses, provided that they shall not include any activity commonly conducted for gain unless specifically permitted in this section.

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the R-5 District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643]**

(1) Public or private schools for kindergarten through grade 12.

(2) Houses of worship.

(3) Public utility buildings and structures.[63]

D. Prohibited uses. Any uses other than those permitted by this section are prohibited.

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62. Editor's Note: Former Subsection B(5), pertaining to home professional offices, was repealed 4-13-2005 by Ord. No. 2933.

63. Editor's Note: Former Subsection C(4), which permitted nonprofit club uses as a conditional use, was repealed 4-15-2009 by Ord. No. 3177.

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E. Bulk and lot regulations. All required conditions as set forth in § 190-102E shall be complied with, except that the following conditions and requirements shall be complied with for multifamily dwelling units:

(1) Maximum building height: 30 feet and two stories.

(2) Minimum front, side and rear yard: 40 feet.

(3) Minimum distance between principal buildings: 40 feet.

(4) Minimum distance between arms of U-shaped buildings or groups of buildings forming a courtyard: 60 feet, and no accessory building shall be permitted in any such court.

(5) Maximum bedrooms per gross acre: 24.

(6) Maximum density: 14 1/2 dwelling units per acre.

(7) Maximum unbroken wall length: 115 feet.

(8) Maximum total building dimension: 150 feet.

(9) Minimum lot area: 44,000 square feet.

(10) Maximum total coverage by above-grade structures: 25% of the land area of the lot, including balconies, fire escapes, canopies and the like, notwithstanding any other provisions to the contrary.

§ 190-109. R-7 Multifamily Residence District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-10-1998 by Ord. No. 2620]**

(1) Multifamily dwelling units.

(2) Single-family residential uses in detached single-family residential structures.

(3) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(4) Community residences and shelters. **[Amended 10-13-1998 by Ord. No. 2643]**

(5) Community shelters for victims of domestic violence and community residences for persons with head injuries, either of which house up to six persons, excluding resident staff.

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Private garages as an accessory use for up to four motor vehicles, subject to § 190-121G(3).

(2) Private swimming pools as permitted and regulated by § 190-124T. **[Amended 9-11-2019 by Ord. No. 3730]**

(3) Private tennis courts, racquetball courts, paddleball courts, platform tennis courts, handball courts and similar recreation facilities designed to serve the residents on the premises, all as regulated in § 190-124G.

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(4) Signs, as regulated in § 190-122.

(5) (Reserved)[64]

(6) The office, contained in a detached single-family residence, of an ordained clergyman of any faith or Christian Science practitioner.

(7) Family day-care homes, as regulated in § 190-124B.

(8) Accessory uses customarily incident to the above principal uses, provided that they shall not include any activity commonly conducted for gain unless specifically permitted in this section.

C. Conditional uses and structures. The following conditional uses and structures shall he permitted in the R-7 District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643]**

(1) Public or private schools for kindergarten through grade 12.

(2) Houses of worship.

(3) Public utility buildings and structures.[65]

D. Prohibited uses. Any uses other than those permitted by this section are prohibited.

E. Bulk and lot regulations. All required conditions as set forth in § 190-102E shall be complied with, except that the following conditions and requirements shall be complied with for multifamily dwelling units:

(1) Maximum building height: 35 feet, and three stories.

(2) Minimum front, side and rear yard: 25 feet, subject to the following:

(a) The provisions of § 190-119A(4) shall be complied with.

(b) Balconies and patios shall be set back at least 20 feet from all property lines.

(3) Minimum distance between principal buildings: 35 feet.

(4) Maximum bedrooms per gross acre: 36.2.

(5) Maximum density: 22.11 dwelling units per acre.

(6) Maximum unbroken wall length: 185 feet, provided that the visual effect of long building walls shall be broken with building offsets, building materials and landscaping.

(7) Minimum lot area: 44,000 square feet.

(8) Maximum total coverage by above-grade structures: 30% of the land area of the lot, including balconies, fire escapes, canopies and the like, notwithstanding any provisions to the contrary.

(9) Buffer screen. A dense evergreen screening hedge at least 10 feet in height as approved by the Planning Board shall be installed along the property line of any R-7 multifamily development

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64. Editor's Note: Former Subsection B(5), pertaining to home professional offices, was repealed 4-13-2005 by Ord. No. 2933.

65. Editor's Note: Former Subsection C(4), which permitted nonprofit club uses as a conditional use, was repealed 4-15-2009 by Ord. No. 3177.

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abutting any R-1, R-2 or R-3 Residential Zone. Said screening hedge shall be used as a buffer to physically screen the multifamily from the one- and two-family areas. The buffer screen may be waived or modified by the Planning Board, in whole or in part, if the Planning Board concludes that because of topographical or site conditions the same shall not be necessary to protect the abutting or facing premises located in any abutting residential zone.

§ 190-110. B-1 Retail Business District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-8-2017 by Ord. No. 3579; 4-12-2017 by Ord. No. 3591; 11-7-2018 by Ord. No. 3686; 12-12-2018 by Ord. No. 3691; 11-9-2020 by Ord. No. 3818; 12-13-2023 by Ord. No. 3976; 6-12-2024 by Ord. No. 4002]**

(1) Retail sales.

(2) Retail and personal services.

(3) Financial institutions, excluding drive-in banks.

(4) Eating and drinking establishments.

(5) Arts facilities.

(6) Brew pubs.

(7) Microbreweries.

(8) Fitness and health clubs.

(9) Flexible retail.

(10) Instructional schools.

(11) Microdistilleries.

(12) Recreational facilities.

(13) Flexible office/co-working/incubator space.

(14) Professional or medical office on other than the ground floor, except that ground floor areas used for access to such uses shall be permitted.

(15) Dwelling units above the ground floor that meet the inclusionary housing standards in § 190-124R. Ground-floor areas used for access to such uses shall be permitted, and ground-floor areas which do not face a public street and consist of common areas for the residential units shall also be permitted.

(16) Parking lots and structures.

(17) Child-care centers.

(18) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(19) Club, fraternal, recreational, athletic, political, labor, civic, and social uses located above the ground floor, except that ground floor areas used for access to such uses shall be permitted.

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(20) Institutional uses.

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory: **[Amended 5-13-1996 by Ord. No. 2566]**

(1) Parking and loading facilities, as regulated in §§ 190-90 and 190-121.

(2) Signs, as regulated in § 190-122.

(3) Outdoor cafes either on private property or within the public sidewalk right-of-way as an accessory use to an eating establishment, as regulated by Article VIII in Chapter 156. **[Amended 12-14-2011 by Ord. No. 3323]**

(4) Instruction and organized parties.

(5) Accessory uses and structures customarily incident to the above principal uses.

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the B-1 District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 10-13-1998 by Ord. No. 2643; 2-8-2017 by Ord. No. 3579]**

(1) Public utility buildings and structures.

(2) Cellular telecommunications antennas mounted on an existing structure at least 40 feet high.

D. Prohibited uses. Any uses other than those uses permitted by this section are prohibited. In addition, without in any way limiting the generality and prohibition of this section, the following uses are specifically prohibited:

(1) Residential construction or conversion unless permitted as regulated herein.

(2) The sale, delivery and/or serving of prepared food and/or beverages in a ready-to-consume state from a location within a building through a door, through a window or over a counter to a location outside the same building on the same site or within the adjacent public right-of-way. Such prohibition shall include but not be limited to the delivery to or receipt of food and/or beverages to customers in motor vehicles. The foregoing shall not be construed to prohibit: a) serving and consumption of food and beverages to and by customers seated at tables within outdoor cafes permitted by this chapter and licensed and regulated pursuant to Article VIII of Chapter 156; b) take-out sales of prepared food, where the customer must enter the building to purchase and/or pick up food for consumption at an off-site location; and c) the delivery of prepared foods to customers at an off-site location not located within the street-right-way. **[Amended 12-14-2011 by Ord. No. 3323; 2-8-2012 by Ord. No. 3327]**

(3) New or used car lots.

(4) Public garages and gasoline service stations.

(5) (Reserved)[66]

(6) Drive-in or drive-through uses, including but not limited to drive-in banks, drive-in pharmacies and drive-in restaurants. **[Amended 12-14-2011 by Ord. No. 3323]**

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66. Editor's Note: Former Subsection D(5), regarding places of amusement, was repealed 6-12-2024 by Ord. No. 4002.

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E. Bulk regulations. The following conditions and requirements shall be complied with: **[Amended 5-12-2004 by Ord. No. 2891]**

(1) Maximum building height: 45 feet, except as provided otherwise for affordable housing developments in § 190-124R.

(2) Minimum front yard: as established by adjacent buildings and as regulated by § 190-119A(1)(b). No vault rights shall extend past the existing curbline or the curbline proposed on the Master Plan or Official Map of the Village.

(3) Minimum side yard: none required, but if provided, 12 feet. If adjacent to a residential zone, a minimum twelve-foot side yard is required.

(4) Minimum rear yard: six inches for each foot of height of the principal building or 10 feet, whichever is greater.

(5) Maximum floor area ratio: 50%, except as provided otherwise for affordable housing developments in § 190-124R.

F. Other regulations. In addition to the bulk regulations, the following shall be complied with:

(1) The store frontage for each space devoted to a different occupant on the ground level abutting any street shall be at least 15 feet wide, exclusive of any entrances for upper floors.

(2) All ground level stores abutting any street shall contain window areas on any side of at least 10% of an area equal to 10 feet times the width of the wall abutting the street.

(3) No building shall be permitted which is not supported on a continuous footing and foundation and enclosed on all sides by an exterior wall that rests on said footing and foundation.

(4) Except for parking lots, outdoor cafes and sidewalk sales authorized pursuant to Chapter 239, any use permitted by this section shall only be conducted within the confines of a building. **[Amended 8-11-1998 by Ord. No. 2639; 12-14-2011 by Ord. No. 3323]**

(5) Any dwelling unit shall contain a minimum habitable floor area of 600 square feet.

(6) The gross floor area devoted to residential use, including hallways and other common areas accessory to the residential use, shall not exceed 2/3 of the total gross floor area of the building within which the residential use is located. **[Added 5-12-2004 by Ord. No. 2891]**

(7) The maximum permitted density shall not exceed 12 dwelling units per acre of the lot. **[Added 5-12-2004 by Ord. No. 2891]**

§ 190-111. B-2 Retail Business District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 7-8-2009 by Ord. No. 3197; 2-8-2017 by Ord. No. 3579; 11-7-2018 by Ord. No. 3686; 12-12-2018 by Ord. No. 3691; 11-9-2020 by Ord. No. 3818; 12-13-2023 by Ord. No. 3976; 6-12-2024 by Ord. No. 4002]**

(1) Retail sales.

(2) Retail and personal services.

(3) Financial institutions, excluding drive-in banks.

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(4) Eating and drinking establishments.

(5) Arts facilities.

(6) Brew pubs.

(7) Microbreweries.

(8) Fitness and health clubs.

(9) Flexible retail.

(10) Instructional schools.

(11) Medical offices.

(12) Veterinary facilities.

(13) Microdistilleries.

(14) Recreational facilities.

(15) Flexible office/co-working/incubator space.

(16) Professional offices.

(17) Dwelling units above the ground floor that meet the inclusionary housing standards in § 190-124R. Ground-floor areas used for access to such uses shall be permitted, and ground-floor areas which do not face a public street and consist of common areas for the residential units shall also be permitted.

(18) Parking lots and structures.

(19) Child-care centers.

(20) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(21) Club, fraternal, recreational, athletic, political, labor, civic, and social uses located above the ground floor, except that ground floor areas used for access to such uses shall be permitted.

(22) Institutional uses.

(23) Trade offices and shops.

(24) Automobile showrooms.

(25) Business services.

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory: **[Amended 5-13-1996 by Ord. No. 2566]**

(1) Parking and loading facilities, as regulated in §§ 190-90 and 190-121.

(2) Signs, as regulated in § 190-122.

(3) Outdoor cafes either on private property or within the public sidewalk right-of-way as an

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accessory use to an eating establishment, as regulated by Article VIII of Chapter 156. **[Amended 12-14-2011 by Ord. No. 3323]**

(4) Used car sales accessory to new car sales, not exceeding one square foot of area devoted to used car lot use for each square foot of wall buildings devoted to new car dealer use.

(5) Instruction and organized parties.

(6) Accessory uses and structures customarily incident to the above principal uses.

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the B-2 District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 10-13-1998 by Ord. No. 2643; 2-8-2017 by Ord. No. 3579]**

(1) Motor vehicle service stations and public garages.

(2) Public utility buildings and structures.

(3) (Reserved)[67]

(4) Cellular telecommunications antennas mounted on an existing structure at least 40 feet high.

D. Prohibited uses. Any uses other than those uses permitted by this section are prohibited. In addition, without in any way limiting the generality and prohibition of this section, wholesale warehousing, with the exception of the storage of furniture and furnishings accessory to any permitted furniture mover, and those uses prohibited in the B-1 Zone District, unless otherwise specifically permitted in this article, are specifically prohibited.

E. Bulk regulations. The following conditions and requirements shall be complied with: **[Amended 5-12-2004 by Ord. No. 2891]**

(1) Maximum building height: 45 feet, except as provided otherwise for affordable housing developments in § 190-124R.

(2) Minimum front yard: as established by adjacent buildings and as regulated by § 190-119A(1)(b). No vault rights shall extend past the existing curbline or the curbline proposed on the Master Plan or Official Map of the Village.

(3) Minimum side yard: none required, but if provided, 12 feet. If adjacent to a residential zone, a minimum twelve-foot side yard is required.

(4) Minimum rear yard: six inches for each foot of height of the principal building, or 10 feet, whichever is greater.

(5) Maximum floor area ratio: 45%, except as provided otherwise for affordable housing developments in § 190-124R.

(6) Maximum coverage by improvements: 90% of the lot area.

F. Other regulations. In addition to the bulk regulations, the following shall be complied with:

(1) The store frontage for each space devoted to a different occupant on the ground level abutting any street shall be at least 15 feet wide, exclusive of any entrances for upper floors.

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67. Editor's Note: Former Subsection C(3), regarding drive-in banks, was repealed 6-12-2024 by Ord. No. 4002.

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(2) All ground level stores abutting any street shall contain window areas on any side of at least 10% of an area equal to 10 feet times the width of the wall abutting the street.

(3) [68]Except for parking lots, outdoor cafes and sidewalk sales authorized pursuant to Chapter 239, any use permitted by this section shall only be conducted within the confines of a building. **[Amended 8-11-1998 by Ord. No. 2639; 2-8-2012 by Ord. No. 3327]**

(4) Any dwelling unit shall contain a minimum habitable floor area of 600 square feet. **[Amended 12-14-2011 by Ord. No. 3323; 2-8-2012 by Ord. No. 3327]**

(5) The gross floor area devoted to residential use, including hallways and other common areas accessory to the residential use, shall not exceed 2/3 of the total gross floor area of the building within which the residential use is located. **[Added 5-12-2004 by Ord. No. 2891]**

(6) The maximum permitted density shall not exceed 12 dwelling units per acre of the lot. **[Added 5-12-2004 by Ord. No. 2891]**

§ 190-112. OB-1 Office Building District. [Amended 6-10-1997 by Ord. No. 2606]

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-8-2017 by Ord. No. 3579]**

(1) Financial institutions, including banks and savings and loan institutions, stock brokerage houses, finance companies and similar institutions.

(2) Professional, business and administrative office uses.

(3) Child-care centers.

(4) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(5) Institutional uses, as defined by § 190-3.

(6) Instructional schools, as defined by § 190-3. **[Added 1-8-2020 by Ord. No. 3765]**

(7) Medical offices. **[Added 6-12-2024 by Ord. No. 4002]**

(8) Veterinary facilities. **[Added 6-12-2024 by Ord. No. 4002]**

(9) Flexible office/co-working/incubator space. **[Added 6-12-2024 by Ord. No. 4002]**

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Parking and loading facilities, as regulated in §§ 190-90 and 190-121.

(2) Signs, as regulated in § 190-122.

(3) Accessory uses and structures customarily incident to the above principal uses.

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in

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68. Editor's Note: Former Subsection F(3), regarding enclosure of piers, pillars or columns, was repealed 10-8-1996 by Ord. No. 2583, which ordinance also provided for the renumbering of the remaining subsections.

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the OB-1 District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 10-13-1998 by Ord. No. 2643; 2-8-2017 by Ord. No. 3579]**

(1) Public utility buildings and structures.

(2) Cellular telecommunications antennas mounted on an existing structure at least 40 feet high.

D. Prohibited uses. Any uses other than those permitted by this section are prohibited.

E. Bulk and lot regulations. The following conditions and requirements shall be complied with:

(1) Maximum building height: 40 feet. Notwithstanding the above, roof-mounted service equipment structures shall not exceed 45 feet in height above the ground and shall be subject to the provisions of Subsection F(1) below.

(2) Minimum front yard: 42 feet from the street center line.

(3) Minimum side yard: one foot for every foot of height of the principal building, or 12 feet, whichever is greater.

(4) Minimum rear yard: three feet for every foot of height of the principal building.

(5) Maximum coverage by above-grade structures: 25% of the land area of the lot.

(6) Maximum floor area ratio: 45%.

(7) Maximum coverage by improvements: 65% of the lot area. **[Amended 6-7-1999 by Ord. No. 2670]**

(8) Buffer strip. There shall be provided within any OB-1 Zone that abuts any residentially zoned property a buffer strip, at no point less than 25 feet in depth from such residential property line, that must be screened, landscaped and fenced as approved by the Planning Board pursuant to a required site plan; provided; however, that in lieu of the required buffer strip, the developer may install an unpierced masonry wall six feet in height that meets the following requirements:

(a) The wall shall be at least 12 inches thick.

(b) The wall shall not be located closer to the property line than 12 inches.

(c) The required area between the wall and any paved area shall be landscaped as required by the Planning Board.

F. Other regulations. In addition to the bulk and lot regulations, the following shall be complied with: **[Amended 10-8-1996 by Ord. No. 2583; 4-7-2010 by Ord. No. 3242]**

(1) Roof-mounted service equipment structures shall be subject to the following:

(a) They shall be set back at least three feet for every one foot in height of the service equipment structures, measured from the perimeter of the roof on which said equipment structure is located.

(b) They shall not occupy more than 10% of the roof area of any building on which such service equipment structure is located.

(c) They shall be screened by a wall or other visual barrier made of material compatible with

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the architectural design of the building.

§ 190-113. OB-2 Office Building District. [Amended 6-10-1997 by Ord. No. 2606]

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-8-2017 by Ord. No. 3579]**

(1) Financial institutions, including banks and savings and loan institutions, stock brokerage houses, finance companies and similar institutions.

(2) Professional, business and administrative office uses.

(3) Veterinary facilities. **[Amended 6-12-2024 by Ord. No. 4002]**

(4) Child-care centers.

(5) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(6) Institutional uses, as defined by § 190-3.

(7) Instructional schools, as defined by § 190-3. **[Added 1-8-2020 by Ord. No. 3765]**

(8) Medical offices. **[Added 6-12-2024 by Ord. No. 4002]**

(9) Flexible office /co-working/incubator space. **[Added 6-12-2024 by Ord. No. 4002]**

(10) Trade offices and shops. **[Added 6-12-2024 by Ord. No. 4002]**

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Parking and loading facilities, as regulated in §§ 190-90 and 190-121.

(2) Signs, as regulated in § 190-122.

(3) Accessory uses and structures customarily incident to the above principal uses.

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the OB-2 District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 10-13-1998 by Ord. No. 2643; 2-8-2017 by Ord. No. 3579]**

(1) Public utility buildings and structures.

(2) Cellular telecommunications antennas.

D. Prohibited uses. Any uses other than those permitted by this section are prohibited.

E. Bulk and lot regulations. The following conditions and requirements shall be complied with:

(1) Maximum building height: 30 feet.

(2) Minimum front yard: 30 feet.

(3) Minimum side yard: one foot for every two feet of height of the principal building or 12 feet, whichever is greater.

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(4) Minimum rear yard: 30 feet.

(5) Minimum setback from residential zone boundary: 50 feet.

(6) Minimum lot area: 15,000 square feet.

(7) Minimum lot width: 75 feet, measured at the minimum front yard setback line.

(8) Maximum floor area ratio: 35%.

(9) Maximum coverage by improvements: 70% of the lot area. **[Amended 6-7-1999 by Ord. No. 2670]**

F. Other regulations. In addition to the bulk and lot regulations, the following shall be complied with:

(1) [69]Vehicular ingress to and egress from any lot shall only be permitted on State Highway Route No. 17 and Franklin Turnpike.

§ 190-114. C Commercial District. [Amended 5-13-1996 by Ord. No. 2566; 10-8-1996 by Ord. No. 2583; 10-13-1998 by Ord. No. 2643; 6-7-1999 by Ord. No. 2670; 4-7-2010 by Ord. No. 3242; 12-14-2011 by Ord. No. 3323; 2-8-2012 by Ord. No. 3327; 8-13-2014 by Ord. No. 3425; 3-23-2016 by Ord. No. 3492]

A. Intent. The C Zone District is intended to accommodate a variety of nonresidential uses not permitted elsewhere in the Village, consistent with its existing land use and development pattern, and to promote an upgraded form of development in the area.

B. Permitted principal uses and structures. The following principal uses and structures shall be permitted in the C Zone District, subject, however, to the use limitations in Subsection C below: **[Amended 2-8-2017 by Ord. No. 3579; 12-13-2023 by Ord. No. 3976; 6-12-2024 by Ord. No. 4002]**

(1) Retail sales.

(2) Retail and personal services.

(3) Financial institutions, excluding drive-in banks.

(4) Eating and drinking establishments.

(5) Arts facilities.

(6) Brew pubs.

(7) Microbreweries.

(8) Fitness and health clubs.

(9) Flexible retail.

(10) Instructional schools.

(11) Medical offices.

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69. Editor's Note: Former Subsection F(1), regarding enclosure of piers, pillars or columns, was repealed 10-8-1996 by Ord. No. 2583, which ordinance also provided for the renumbering of the remaining subsections.

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(12) Veterinary facilities.

(13) Microdistilleries

(14) Recreational facilities.

(15) Flexible office/co-working/incubator space.

(16) Professional offices.

(17) Parking lots and structures.

(18) Child-care centers.

(19) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(20) Club, fraternal, recreational, athletic, political, labor, civic, and social uses located above the ground floor, except that ground floor areas used for access to such uses shall be permitted.

(21) Institutional uses.

(22) Trade offices and shops.

(23) Automobile showrooms.

(24) Business services.

(25) Automotive repair shops.

(26) Wholesale sales businesses.

C. Use limitations. The following limitations shall apply to permitted principal uses in the C Zone District:

(1) Drive-in uses shall be prohibited.

(2) Individual commercial uses shall be limited to those which are small in scale, similar and consistent with the existing pedestrian-oriented shops and stores in the Central Business District, not exceeding a gross floor area of 10,000 square feet for each business establishment.

(3) Uses involving operation between the hours of 11:00 p.m. and 7:00 a.m., except for public uses and except for emergency operations, shall be prohibited.

(4) Uses of an industrial nature shall be prohibited, including but not limited to any establishment engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, or engaged in the assembling of component parts of manufactured products.

D. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Parking and loading facilities, as regulated in §§ 190-90 and 190-121.

(2) Signs, as regulated in § 190-122.

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(3) Instruction and organized parties.

(4) Accessory uses and structures customarily incident to the above principal uses.

(5) Warehousing and storage in conjunction with the operation of a permitted principal use. **[Added 6-12-2024 by Ord. No. 4002]**

E. Conditional uses and structures. The following conditional uses and structures shall be permitted in the C District only if they comply with the appropriate regulations for such uses or structures in § 190-123:

(1) Public utility buildings and structures.

(2) Cellular telecommunications antennas mounted on an existing structure at least 40 feet high.

F. Prohibited uses. Any uses other than those uses permitted by this section are prohibited. In addition, without in any way limiting the generality and prohibition of this section, the following uses are specifically prohibited: **[Amended 6-12-2024 by Ord. No. 4002]**

(1) Commercial incinerations, junkyards, rubbish, garbage and trash dumps, residential construction or conversion of structures or residential uses, stockyards, abattoirs, slaughterhouses or other animal processing operations or any use which will in any manner create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard or noise or vibration or smoke, dust, odor or other form of air pollution or heat, cold, dampness, movement of air, electrical or other similar disturbances, glare or solid or liquid waste in any manner or amount which shall not conform to the performance standards set forth in § 190-120G.

(2) Drive-in and drive-through uses, including but not limited to drive-in banks, drive-in pharmacies and drive-in restaurants.

(3) The sale, delivery and/or serving of prepared food and/or beverages in a ready-to-consume state from a location within a building through a door or window or over a counter to a location outside the same building on the same site or within the adjacent public right-of-way, including outdoor cafes. Such prohibition shall include but not be limited to the delivery to or receipt of food and/or beverages to customers in motor vehicles. The foregoing shall not be construed to prohibit:

(a) Take-out sales of prepared food, where the customer must enter the building to purchase and/or pick up food for consumption at an off-site location; or

(b) The delivery of prepared foods to customers at an off-site location not located within the street right-of-way.

(4) Warehousing and storage as a principal use.

G. Bulk and lot regulations. The following conditions and requirements shall be complied with:

(1) Minimum lot area: 10,000 square feet.

(2) Maximum building height: 45 feet.

(3) Minimum front yard: 15 feet.

(4) Minimum side yard: none required, but if provided, 12 feet. If adjacent to a residential zone, a

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minimum twelve-foot side yard is required.

(5) Minimum rear yard: six inches for each foot of height of the principal building, or 10 feet, whichever is greater.

(6) Maximum floor area ratio: 45% of the lot area.

(7) Maximum coverage by improvements: 90% of the lot area.

H. Other regulations. In addition to the bulk and lot regulations, the following requirements shall be complied with:

(1) Any use permitted by this section, unless otherwise specifically permitted to be conducted outdoors, shall only be conducted within the confines of a building.

(2) Veterinary hospitals and establishments shall be contained within a soundproof building.

(3) Any side or rear yard that abuts any residential zone shall be provided with a fence or special planting, maintained in good condition, to screen the commercial use from the abutting residential property.

(4) Architectural design.

(a) Buildings shall be required to incorporate high-quality architectural features that are characteristic of exemplary buildings reflecting the traditional architecture in the Central Business District. The applicant for any development shall demonstrate such design by providing as part of any site plan review examples of and comparisons with existing high-quality buildings in the Central Business District.

(b) Buildings greater than 40 feet in height shall be required to use architectural features such as pitched roofs, varied rooflines, decorative cupolas, pediments, varied parapet heights and similar features designed to provide variety and reduce the visual impact of the building height. In order to accommodate such features, the following exceptions to the height limitation in Subsection G(2) above shall be permitted:

[1] The height of such features shall not exceed the maximum permitted building height by more than eight feet.

[2] The horizontal area of such features, including the area enclosed by such features, that exceed the maximum permitted building height shall not exceed 20% of the horizontal area of that portion of the building having a height greater than 40 feet. This limitation shall be cumulative for all such features. [For example, the horizontal area of that portion of a sloped roof or roofs at an elevation greater than the maximum building height could not exceed 4,000 square feet in the case of a building with a horizontal area of 20,000 square feet (20,000 x 0.20 = 4,000).]

[3] In the case of linear features for which an area calculation is not possible, such as a parapet wall, rooftop screen, etc., the horizontal length of any such features that exceed the maximum permitted building height shall not exceed 20% of the horizontal length of the highest building wall or walls above which the feature is located and toward which such feature faces. This limitation shall be cumulative for all such features. [For example, the length of that portion of a parapet or parapets at an elevation greater than the maximum building height could not exceed 20 feet if

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located above a wall 100 feet long (100 x 0.20 = 20).]

(c) Buildings having a gross floor area greater than 40,000 square feet shall be required to use architectural features that provide variety and reduce the visual impact of the building mass, through the use of varied facade materials, facade projections and recesses, judicious use of windows and other openings in the facade, and other similar features.

(d) If parking or other exterior areas are provided beneath a building, such areas shall be screened by structural elements that are compatible with the materials and design of the front and side building facades. The intent of such screening shall be to mitigate the effects of headlights, minimize the view of parked vehicles and pavement, and to provide for a unified architectural design.

§ 190-115. P Professional and Office District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-8-2017 by Ord. No. 3579]**

(1) Business, professional or administrative offices which are not engaged in retail or wholesale sale of goods on the premises and which are not engaged in the repair or servicing of goods on the premises.

(2) Single-family residential uses in detached single-family residential structures.

(3) Two-family residential uses in a single structure on the same lot.

(4) Business, professional or administrative offices in the same building as dwelling units as a mixed use.

(5) Parking areas.

(6) Child-care centers.

(7) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(8) Institutional uses, as defined by § 190-3.

(9) Medical offices, not including medical spas, which may be located in the same building as dwelling units as a mixed use. **[Added 6-12-2024 by Ord. No. 4002]**

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Parking facilities, as regulated in §§ 190-90 and 190-121.

(2) Private garages accessory to a permitted residential use for up to four motor vehicles, subject to § 190-121G(3).

(3) Private swimming pools as permitted and regulated by § 190-124T. **[Amended 9-11-2019 by Ord. No. 3730]**

(4) Private tennis courts, racquetball courts, paddleball courts, platform tennis courts, handball courts and similar recreation facilities accessory to a permitted residential use and designed to serve the residents on the premises, all as regulated in § 190-124G.

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(5) (Reserved)[70]

(6) The office, contained in a detached single-family residence, of an ordained clergyman of any faith or Christian Science practitioner.

(7) Family day-care homes accessory to a detached single-family residence, as regulated in § 190-124B.

(8) Signs, as regulated in § 190-122.

(9) Accessory uses customarily incident to the above principal uses, provided that residential uses shall not include any activity commonly conducted for gain unless specifically permitted in this section.

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the P District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 10-13-1998 by Ord. No. 2643; 2-8-2017 by Ord. No. 3579]**

(1) Public utility buildings and structures.

D. Prohibited uses. Any use other than those uses permitted by this section are prohibited. Without in any way limiting the generality and prohibition of this section, nothing contained in this section shall be construed to permit any bank, savings and loan association, finance company or similar financial institution or company.

E. Bulk and lot regulations. Single-family detached dwellings and two-family dwellings shall comply with the bulk and lot regulations in § 190-106E. All other permitted uses shall comply with following conditions and requirements:

(1) Maximum building height: 30 feet, and two stories.

(2) Minimum front yard: 25 feet.

(3) Minimum side yard: six feet.

(4) Minimum both side yards: 18 feet.

(5) Minimum rear yard: 30 feet.

(6) Minimum lot area: 8,400 square feet.

(7) Minimum lot width: 60 feet, measured at the minimum front yard setback line.

(8) Minimum average lot width: 60 feet, calculated so that at least 8,400 square feet of lot area shall be provided within 140 feet of the front lot line.

(9) Maximum total coverage by above-grade structures: 40% of the land area of the lot, except in the case when a parking area is the principal use, 10% of the land area of the lot or 40 square feet, whichever is less.

(10) Maximum floor area ratio: 40%.

(11) Maximum coverage by improvements: 80% of the lot area. **[Amended 6-7-1999 by Ord. No.**

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70. Editor's Note: Former Subsection B(5), pertaining to home professional offices, was repealed 4-13-2005 by Ord. No. 2933.

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2670]

F. Other regulations. In addition to the bulk and lot regulations, the following requirements shall be complied with:

(1) [71]Every dwelling unit shall contain a minimum habitable floor area of 600 square feet.

§ 190-116. P-2 Professional and Office District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-8-2017 by Ord. No. 3579]**

(1) Business, professional or administrative offices which are not engaged in retail or wholesale sale of goods on the premises and which are not engaged in the repair or servicing of goods on the premises.

(2) Single-family residential uses in detached single-family residential structures.

(3) Two-family residential uses in a single structure on the same lot.

(4) Business, professional or administrative offices permitted in Subsection A(1) above in the same building as dwelling units as a mixed use.

(5) Parking areas.

(6) Child-care centers.

(7) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(8) Institutional uses, as defined by § 190-3.

(9) Medical offices, not including medical spas, which may be located in the same building as dwelling units as a mixed use. **[Added 6-12-2024 by Ord. No. 4002]**

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Parking facilities, as regulated in §§ 190-90 and 190-121.

(2) Private garages accessory to a permitted residential use for up to four motor vehicles, subject to § 190-121G(3).

(3) Private swimming pools as permitted and regulated by § 190-124T. **[Amended 9-11-2019 by Ord. No. 3730]**

(4) Private tennis courts, racquetball courts, paddleball courts, platform tennis courts, handball courts and similar recreation facilities accessory to a permitted residential use and designed to serve the residents on the premises, all as regulated in § 190-124G.

(5) (Reserved)[72]

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71. Editor's Note: Former Subsection F(1), regarding enclosure of piers, pillars or columns, was repealed 10-8-1996 by Ord. No. 2583, which ordinance also provided for the renumbering of the remaining subsections.

72. Editor's Note: Former Subsection B(5), pertaining to home professional offices, was repealed 4-13-2005 by Ord. No. 2933.

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(6) The office, contained in a detached single-family residence, of an ordained clergyman of any faith or Christian Science practitioner.

(7) Family day-care homes accessory to a detached single-family residence, as regulated in § 190-124B.

(8) Signs, as regulated in § 190-122.

(9) Accessory uses customarily incident to the above principal uses, provided that residential uses shall not include any activity commonly conducted for gain unless specifically permitted in this section.

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the P-2 District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 10-13-1998 by Ord. No. 2643; 2-8-2017 by Ord. No. 3579]**

(1) Public utility buildings and structures.

D. Prohibited uses. Any use other than those uses permitted by this section are prohibited. Without in any way limiting the generality and prohibition of this section, nothing contained in this section shall be construed to permit any bank, savings and loan association, finance company or similar financial institution or company.

E. Bulk and lot regulations. Single-family detached dwellings and two-family dwellings shall comply with the bulk and lot regulations in § 190-106E. All other permitted uses shall comply with following conditions and requirements:

(1) Maximum building height: 45 feet, and two stories.

(2) Minimum front yard: 25 feet.

(3) Minimum side yard: six feet.

(4) Minimum both side yards: 18 feet.

(5) Minimum rear yard: 30 feet.

(6) Minimum lot area: 8,400 square feet.

(7) Minimum lot width: 60 feet, measured at the minimum front yard setback line.

(8) Minimum average lot width: 60 feet, calculated so that at least 8,400 square feet of lot area shall be provided within 140 feet of the front lot line.

(9) Maximum total coverage by above-grade structures: 40% of the land area of the lot, except in the case of a parking area as a principal use, 10% of the land area of the lot or 40 square feet, whichever is less.

(10) Maximum floor area ratio: 40%.

(11) Maximum coverage by improvements: 80% of the lot area. **[Amended 6-7-1999 by Ord. No. 2670]**

F. Other regulations. In addition to the bulk and lot regulations, the following requirements shall be complied with:

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(1) [73]Every dwelling unit shall contain a minimum habitable floor area of 600 square feet.

§ 190-117. H Hospital District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 12-8-2021 by Ord. No. 3878]**

(1) Hospitals for humans.

(2) Child-care centers.

(3) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(4) Health care related services, including urgent care, behavioral health, nutrition programs, ambulatory surgery, diagnostic imaging, laboratory services, sub-acute care, nursing home facilities, day-care services, senior citizen programs, and acute care hospital services.

(5) Assisted living.

(6) Senior residential development, provided 15% of the total units are affordable where the affordable units are for rent or 20% of the total units are affordable where the affordable units are for sale.

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory: **[Amended 12-8-2021 by Ord. No. 3878]**

(1) Parking facilities, as regulated in §§ 190-90 and 190-121.

(2) Signs, as regulated in § 190-122.

(3) Accessory uses customarily incident to the above principal uses.

(4) Facilities providing power to uses located on the site only.

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the H District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 10-13-1998 by Ord. No. 2643; 2-8-2017 by Ord. No. 3579]**

(1) Public utility buildings and structures.

(2) Cellular telecommunications antennas mounted on an existing structure at least 40 feet high.

D. Prohibited uses. Any uses other than those uses permitted by this section are prohibited.

E. Bulk and lot regulations. The following conditions and requirements shall be complied with: **[Amended 6-7-1999 by Ord. No. 2670; 12-8-2021 by Ord. No. 3878]**

(1) Maximum building height:

(a) Existing buildings as of date of ordinance: Existing height as of date of ordinance.

(b) New buildings: 48 feet, provided that roof-mounted service equipment structures may

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73. Editor's Note: Former Subsection F(1), regarding enclosure of piers, pillars or columns, was repealed 10-8-1996 by Ord. No. 2583, which ordinance also provided for the renumbering of the remaining subsections.

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exceed such height by a maximum of 17 feet, subject to Subsection F below.

(2) Minimum lot area: 15 acres.

(3) Minimum yards:

(a) Minimum front yard: Not less than the existing setback along each frontage as of date of ordinance.

(b) Minimum side and rear yards: Not less than the existing setback along each property line existing as of date of ordinance.

(4) Maximum coverage by above-grade structures:

(a) Existing as of date of ordinance (44%).

(5) Maximum floor area ratio: 84%.

(6) Maximum coverage by improvements: 90% of the lot area.

(7) Screening of parking areas. Parking areas which directly abut upon property zoned and used for residential purposes shall have a continuous wall not less than six feet in height and not more than eight feet in height along the common property line to separate such properties. Other area for parking of vehicles shall have a suitable hedge or other natural planting within the required setback area.

F. Other regulations. Roof-mounted service equipment structures permitted by this section shall be subject to the following:

(1) They shall be set back at least one foot for every two feet in height of the service equipment structures, measured from the perimeter of the roof on which the structure is located.

(2) They shall not occupy more than 65% of the roof area of any building on which such service equipment structure is located.

(3) They shall not exceed 25% of the land area covered by buildings on the property.

§ 190-118. T Transition District.

A. Principal uses and structures. The following principal uses and structures shall be permitted: **[Amended 2-8-2017 by Ord. No. 3579]**

(1) Business and professional offices. **[Amended 6-12-2024 by Ord. No. 4002]**

(2) Residential uses and structures as permitted and regulated in the residential zone which is adjacent to the particular T Transition Zone within which the property is located.

(3) Office and residential uses permitted herein and located in the same building as a mixed use.

(4) Child-care centers.

(5) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(6) Institutional uses, as defined by § 190-3.

(7) Medical offices, not including medical spas, which may be located in the same building as

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dwelling units as a mixed use. **[Added 6-12-2024 by Ord. No. 4002]**

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Parking facilities, as regulated in §§ 190-90 and 190-121.

(2) Signs, as regulated in § 190-122.

(3) Family day-care homes accessory to a permitted residential use.

(4) Accessory uses customarily incident to the above principal uses, provided that residential uses shall not include any activity commonly conducted for gain unless specifically permitted in this section.

(5) In the case of a property located partially in the T District and partially in an adjacent nonresidential district, surface parking areas and other improvements, excluding buildings and loading areas, shall be permitted under the following circumstances: **[Added 7-16-2003 by Ord. No. 2830]**

(a) When such areas and improvements are accessory to a principal use and/or building located on the same lot but in such adjacent nonresidential district; and

(b) When the principal use and/or building in question is a permitted principal use or structure in such adjacent nonresidential district.

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the T District only if they comply with the appropriate regulations for such uses or structures in § 190-123: **[Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643; 2-8-2017 by Ord. No. 3579]**

(1) Public utility buildings and structures.

D. Prohibited uses. Any uses other than those permitted by this section are prohibited.

E. Bulk and lot regulations. Residential uses shall comply with the bulk and lot regulations for the residential zone which is adjacent to the particular T Transition Zone within which the property is located. All other permitted uses, including mixed office and residential use, shall comply with following conditions and requirements:

(1) Maximum building height: 30 feet, and two stories.

(2) Minimum front yard: as required by the residential zone which is adjacent to the particular T Transition Zone within which the property is located.

(3) Minimum side yard: 15 feet on any side abutting a residential zone, and 12 feet on any side abutting a nonresidential zone.

(4) Minimum rear yard: as required by the residential zone which is adjacent to the particular T Transition Zone within which the property is located.

(5) Maximum floor area ratio: 40%.

(6) Maximum coverage by improvements: 80% of the lot area. Notwithstanding the foregoing, in

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the circumstances described in § 190-118B(5) above, the maximum coverage by improvements shall be 90% of the lot area. **[Amended 6-7-1999 by Ord. No. 2670; 7-16-2003 by Ord. No. 2830]**

F. Other regulations. In addition to the bulk and lot regulations, the following requirements shall be complied with:

(1) Permitted office uses shall be limited to the first two stories of any structure.

(2) In a mixed use building, residential use shall only be permitted on other than the ground floor, and each dwelling unit shall contain a minimum habitable floor area of 600 square feet.

(3) Any building on a transitional lot, whether a new structure or a converted existing structure, shall be residential in exterior appearance.

(4) Any conversion from residential to nonresidential use shall require site plan approval prior to issuance of a certificate of occupancy and shall be required to provide sufficient parking in accordance with § 190-121. Any change in use from one nonresidential use to another nonresidential use shall require a certificate of continued occupancy, and shall be required to provide sufficient parking in accordance with § 190-121.

§ 190-118.1. AH-1 Affordable Housing District. [Added 2-24-2010 by Ord. No. 3240[74]]

A. Principal uses and structures. The following principal uses and structures shall be permitted:

(1) Single-family residential uses in detached single-family residential structures.

(2) Community residences and shelters.

(3) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

B. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Private garages as an accessory use for up to four motor vehicles, subject to § 190-121G(3).

(2) Private swimming pools as permitted and regulated by § 190-124T. **[Amended 9-11-2019 by Ord. No. 3730]**

(3) Private tennis courts, racquetball courts, paddleball courts, platform tennis courts, handball courts and similar recreation facilities designed to serve the residents on the premises, all as regulated in § 190-124G.

(4) Signs, as regulated in § 190-122.

(5) Family day-care homes, as regulated in § 190-124B.

(6) Accessory uses customarily incident to the above principal uses, provided that they shall not include any activity commonly conducted for gain unless specifically permitted in this section.

C. Conditional uses and structures. No conditional uses and structures shall be permitted in the AH-1

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74. Editor's Note: This ordinance provided that it shall take effect after execution of a settlement agreement that resolves West Bergen Mental Healthcare's objection to the Village's housing element and fair share plan and after COAH's approval of such agreement.

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District.

D. Prohibited uses. Any uses other than those permitted by this section are prohibited

E. Bulk and lot regulations. The following conditions and requirements shall be complied with:

(1) Maximum building height: 33 feet. Notwithstanding the foregoing, the height of principal buildings shall be permitted to be greater than 33 feet, but not more than 42 feet, when the pitch of the main roof is at least 8:12 (8 inches vertical for every 12 inches horizontal).

(2) Minimum front yard: 40 feet.

(3) Minimum side yard: 7 feet.

(4) Minimum both side yards: 33% of the lot width measured at the minimum front yard setback line.

(5) Minimum rear yard: 30 feet.

(6) Minimum lot area 8,400 square feet.

(7) Minimum lot width: 60 feet, measured at the minimum front yard setback line, and 50 feet at any other point within 140 feet of the front lot line.

(8) Minimum lot depth: 120 feet.

(9) Maximum total coverage by above-grade structures: 33% of the lot area.

(10) Maximum coverage by above-grade structures located within 140 feet of the front lot line: 33% of the lot area within 140 feet of the front lot line.

(11) Maximum improvement coverage: Notwithstanding the provisions of § 190-119H, the maximum improvement coverage shall be 70% of the lot area.

(12) Maximum coverage by improvements located within 140 feet of front lot line: Notwithstanding the provisions of § 190-119H, the maximum improvement coverage shall be 70% of the lot area within 140 feet of the front lot line.

(13) Maximum gross building area: Notwithstanding the provisions of § 190-119J, the maximum gross building area shall be 45% of the lot area

(14) Maximum gross building area within 140 feet of the front lot line: Notwithstanding the provisions of § 190-119H, the maximum gross building area within 140 feet of the front lot line shall be 85%, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 140 feet of the front lot line.

F. Other requirements.

(1) Notwithstanding the provisions of § 190-121A, garage parking shall not be required.

(2) Architectural design.

(a) Buildings shall be designed to maintain a residential streetscape appearance by designing the building wall facing the street to be compatible with the front of wall of single-family dwellings typical in the Village. This shall be accomplished through the use of such

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features as a doorway, windows, porch and other typical front wall design features.

(b) For buildings with a gross building area that exceeds 5,000 square feet, the visual impact of the building shall be minimized by such features as: orienting the building so that the building wall having the narrower dimension faces the street, incorporating projections and recesses in the building walls, including windows and doors in large wall areas, using more than one building facade material and incorporating creative landscaping on those sides of the building that are visible from the street.

(c) The main roof of principal buildings having a height greater than 33 feet shall have a minimum pitch of 8:12 (eight inches vertical for every 12 inches horizontal).

§ 190-118.2. HC Highway Commercial District. [Added 6-13-2012 by Ord. No. 3343]

A. Purpose and intent. The HC Zone is intended to permit uses that are compatible with the frontage on and exposure to Route 17 in the zone, while at the same time being sensitive to the quality of life of nearby residential areas. Although the zone recognizes the suitability and compatibility of highway commercial use, the zone regulations are intended to avoid a "highway strip" appearance by limiting the permitted uses and the scale and intensity of development, requiring generous setbacks required for buildings from property lines, and by imposing architectural, sign and landscaping standards. The zone also intends to avoid undue impacts to residential properties in the area by limiting the permitted uses and the intensity of development, by limiting the height of buildings, by requiring that access be oriented away from local streets, and by requiring buffers between nonresidential development and residential zones.

B. Permitted principal uses and structures. The following principal uses and structures shall be permitted, subject to the prohibitions and restrictions in § 190-118.2E and elsewhere in this chapter: **[Amended 2-8-2017 by Ord. No. 3579; 6-12-2024 by Ord. No. 4002]**

(1) Retail sales.

(2) Retail and personal services.

(3) Financial institutions.

(4) Eating and drinking establishments.

(5) Fitness and health clubs.

(6) Flexible retail.

(7) Instructional schools.

(8) Medical offices.

(9) Veterinary facilities.

(10) Recreational facilities.

(11) Flexible office/co-working/incubator space.

(12) Professional offices.

(13) Child-care centers.

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(14) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(15) Institutional uses.

(16) Single-family detached residential dwellings.

C. Permitted accessory uses and structures. The following accessory uses and structures shall be permitted, excluding any uses and structures that are specifically prohibited:

(1) Parking facilities, as regulated in §§ 190-90 and 190-121.

(2) Signs, as regulated in § 190-122.

(3) Uses and structures accessory to single-family detached residential dwellings as permitted and regulated in all single-family residence districts.

(4) For all uses other than single-family detached residential dwellings, accessory uses customarily incident to permitted principal and conditional uses, subject to the prohibitions and restrictions in § 190-118.2E and elsewhere in this chapter.

D. Conditional uses. Notwithstanding any provisions to the contrary, no conditional uses shall be permitted in the HC Zone District.

E. Prohibited uses. Any uses other than those uses permitted by this section are prohibited. In addition, without in any way limiting the generality and prohibition of this section, the following uses are specifically prohibited:

(1) Motor vehicle sales or rental.

(2) Gasoline filling stations, gasoline service stations and motor vehicle maintenance or repair facilities.

(3) Garden centers and plant nurseries.

(4) Contractor yards and contractor storage buildings and facilities.

(5) Industrial, assembly and manufacturing uses.

(6) Storage warehouses and other storage buildings and uses, except as an accessory to a permitted use.

(7) Drive-in restaurants and the sale, delivery and/or serving of prepared food and/or beverages in a ready-to-consume state from a location within a building through a door, through a window or over a counter to a location outside the same building on the same site or within the adjacent public right-of-way. Such prohibition shall include but not be limited to the delivery to or receipt of food and/or beverages to customers in motor vehicles. Excluded from this prohibition shall be "take-out" sales of prepared food, where the customer must enter the building to purchase and/or pick up food for consumption at an off-tract location, and the delivery of prepared foods to an off-tract location.

(8) Any use that involves the display, sale, provision or storage of goods, services or materials, or the keeping of animals, outside the confines of a building, provided that drive-up windows for banks and pharmacies shall not be prohibited.

(9) Hotels, motels and other commercial lodging establishments.

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(10) Any nonresidential uses that operate during the hours when the sale of alcoholic beverages for consumption upon the premises is prohibited by § 101-12A. The foregoing prohibition shall apply to all nonresidential uses in the district, regardless of whether or not such uses sell alcoholic beverages or are retail sales or service uses; provided, however, that institutional uses, as well as automated teller machines for banks and pharmacies that provide twenty-four-hour service, shall not be prohibited during such hours. **[Amended 2-8-2017 by Ord. No. 3579]**

(11) Notwithstanding the authorization of veterinary hospitals as a permitted principal use, no such use or any other use shall be permitted to use areas outside the confines of a building for the keeping, holding, care, treatment or exercising of animals, or any similar activity.

F. Development standards. Development for single-family detached dwellings shall comply with the requirements applicable to such dwellings in the R-125 Zone District. Nonresidential development shall comply with the following requirements, unless specifically provided otherwise by this chapter:

(1) Minimum lot area: 75,000 square feet.

(2) Minimum lot frontage: 300 feet on the street from which access is provided.

(3) Maximum floor area ratio: 25% of the lot area.

(4) Maximum building coverage: 25% of the lot area.

(5) Maximum improvement coverage: 70% of the lot area.

(6) Maximum height of principal buildings: two stories, excluding basement stories, and 35 feet; provided, however, that only that portion of principal buildings comprised of roofs having a pitch of not less than 5:12 and gables for such roofs shall be permitted to exceed a height of 30 feet.

(7) Minimum yard depths, principal buildings:

(a) Seventy feet from the Route 17 right-of-way.

(b) Thirty feet from the Route 17 ramp rights-of-way.

(c) Fifty feet from other street rights-of-way.

(d) Fifty feet from other property lines.

(8) Driveway access to nonresidential uses shall be limited to access to/from Route 17, except for driveways used solely for emergency access. A traffic study may be required for major developments or significant changes of use, in order to ensure that site access will be safe and designed to minimize congestion on area streets.

(9) Parking areas shall contain landscaped areas distributed within the parking area(s) so as to visually break up the area(s) of pavement, with the location and design of such landscaped areas to be determined through the site plan review and approval process. The total area of such landscaping areas shall be at least 10 square feet for each parking space in the parking area(s). Such landscaped areas shall be considered to be "within the parking area" if they: (a) are surrounded on at least three sides by the pavement for the parking area; and/or (b) are surrounded on at least two sides by the pavement for the parking area and are located between the parking area and the building. Notwithstanding the foregoing, no landscaped area located within the minimum required setback for parking areas shall be counted toward the foregoing

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requirement.

(10) A buffer having a minimum depth of 30 feet shall be provided to separate nonresidential development in the district and adjacent residential zone districts. The buffer shall contain dense plantings and a screening fence or wall. If necessary to mitigate the effects of noise, lights and other impacts upon adjacent residential properties, the fence or wall shall be permitted and may be required to have a height greater than six feet. The visual impact of fences or walls higher than six feet upon adjacent residential properties shall be mitigated through the use of increased setbacks from the property line and by installing plantings between the fence/wall and property line, as determined through the site plan approval process. Buffers, screening and other features shall be installed and maintained to ensure that noise levels from site activities comply with the noise control regulations at § 190-120G(5) and N.J.A.C. 7:29-1.1 et seq.

(11) When nonresidential development is located across from a residential zone district on the opposite side of Paramus Road and Linwood Avenue, plantings, fencing, walls and/or berms shall be required in the front yard to screen the parking and loading areas from the view of residential properties and to minimize the detrimental effects of glare from vehicle headlights, as determined through the site plan approval process.

(12) Architectural design.

(a) Large, unbroken building masses in walls that face the street shall be avoided through the use of projections, recesses, varying materials and other methods. The following requirements shall apply to any exterior building wall facing a street, including any ramps to or from Route 17. For purposes of complying with these requirements, a wall surface shall be considered within the same vertical plane as another wall surface unless their vertical planes, or projections thereof, are separated by a horizontal distance of at least eight inches.

[1] At least 10% of the surface area of walls in the same vertical plane, including gables and parapets, shall be comprised of windows and doors. The area of such windows and doors shall be measured from the inside edge of any perimeter trim. The glass in such windows and doors shall not be covered, painted or surfaced so as to prevent a view into the building from the outdoors; however, interior curtains and blinds shall be permitted.

[2] The maximum contiguous wall surface area containing the same or similar material within the same vertical plane shall not exceed 1,500 square feet. Larger wall surfaces shall be separated by horizontal and/or vertical features comprised of a substantially different material and/or shall be located within a different vertical plane than the adjacent surfaces. Such separations shall have a minimum dimension of 12 inches in any direction, except for the minimum vertical plane separation required above.

(b) Roofs. Buildings may be designed with pitched roofs and/or with flat (horizontal) roofs that comply with the following:

[1] Pitched roofs shall provide a minimum pitch of 5:12 (five inches vertical for each 12 inches horizontal).

[2] Pitched roofs shall contain variations in pitch and/or plane and/or dormers not less than 50 feet apart.

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[3] Flat (horizontal) roofs shall be designed with a cornice and/or parapet(s). Cornices shall have a vertical dimension not less than 5% of the height of the building, and the cornice shall be of a substantially different material or texture than the exterior wall surface. Parapets shall provide variation in the roofline not less than 30 feet apart; such variations shall not be less than eight inches in vertical dimension.

[4] Rooftop mechanical equipment shall be screened from the view of adjacent properties and streets by parapets in the same vertical plane as the exterior walls or by screens designed to appear the same as a sloped roof. For purposes of administering this requirement, screening shall be designed to screen the view from a point six feet above the ground measured at the property line of adjacent properties and from the center line of the adjacent street. In the case of Route 17, the center line shall be considered the center of the northbound lanes and the center line of any ramps.

G. Requirements for drive-in uses. In addition to the other requirements for development within the HC Zone District, drive-in establishments shall be subject to the following requirements:

(1) The drive-in window(s), canopies, drive-up and stacking lanes, and any above-grade equipment used for the drive-in operation shall be located at least 50 feet from any residential zone district.

(2) At the time of site plan review, noise from motor vehicles and speakers, as wells as impacts from vehicular headlights and exhaust, shall be addressed through setbacks, screen walls, vegetation and other features, as determined by the Board.

§ 190-118.3. AH-2 Affordable Housing District. [Added 3-23-2016 by Ord. No. 3489]

A. Intent. The AH-2 District is intended to promote the development of multifamily housing, with a portion of such housing restricted to households of low and moderate income. The standards for the zone are intended to accommodate a type and density of housing consistent with its location at the periphery of the Central Business District, and to provide a compensatory benefit to developers of affordable housing units.

B. Permitted principal uses and structures. The following principal uses and structures shall be permitted in the AH-2 Zone District:

(1) Multifamily dwellings, including but not limited to garden apartments and other apartments.

(2) Single-family attached residential dwelling units.

(3) Uses and structures which lawfully exist at the time of the adoption of Ordinance 3489 shall be permitted to continue, provided that any change of use or redevelopment of properties in the district shall be limited to the residential uses permitted by this Subsection B.

C. Permitted accessory uses and structures. The following accessory uses and structures shall be permitted in the AH-2 Zone District, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Surface parking areas, private garages and parking structures.

(2) Other accessory uses customarily incidental to the above permitted principal uses, provided that they shall not include any activity commonly conducted for gain unless specifically permitted in this section.

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D. Prohibited uses. Any uses other than those permitted by this section are prohibited.

E. Development standards. Uses and structures which lawfully exist at the time of the adoption of Ordinance 3489 shall be governed by the regulations in the B-2 Zone District. Residential uses and structures shall be subject to the following requirements:

(1) Minimum tract area: one acre (43,560 square feet).

(2) Maximum density.

(a) For developments that contain for-sale affordable units, the maximum permitted density shall be 30 units per acre.

(b) For developments that provide rental affordable units, the maximum permitted density shall be 35 units per acre.

(3) Maximum floor area ratio.

(a) For developments that contain for-sale affordable units, the maximum permitted floor area ratio shall be 130% of the lot area.

(b) For developments that contain rental affordable units, excluding developments in Subsection E(3)(c) below, the maximum permitted floor area ratio shall be 135% of the lot area.

(c) For developments that contain rental affordable units and at least 13% of the affordable units are made affordable to very-low-income households, the maximum permitted floor area ratio shall be 140% of the lot area.

(4) Maximum improvement coverage.

(a) For developments that contain for-sale affordable units, the maximum permitted improvement coverage shall be 80% of the lot area.

(b) For developments that contain rental affordable units, the excluding developments in Subsection E(4)(c), below, the maximum permitted improvement coverage shall be 85% of the lot area.

(c) For developments that contain rental affordable units and at least 13% of the affordable units are made affordable to very-low-income households, the maximum permitted improvement coverage shall be 90% of the lot area.

(5) Maximum building height: 50 feet, except for limited architectural features designed in conformance with Subsection E(10)(b) below.

(6) Minimum front yard: 15 feet.

(7) Minimum side yard: 12 feet or 1/2 of the height of the building, whichever is greater.

(8) Minimum rear yard: 12 feet or 1/2 of the height of the building, whichever is greater.

(9) Minimum setback of principal buildings from any property developed for railroad use: 25 feet.

(10) Architectural design.

(a) Buildings shall be required to incorporate high-quality architectural features that are

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characteristic of exemplary buildings reflecting the traditional architecture in the Central Business District. The applicant for any development shall demonstrate such design by providing examples of and comparisons with existing high-quality buildings in the Central Business District.

(b) Buildings greater than 40 feet in height shall be required to use architectural features such as pitched roofs, varied rooflines, decorative cupolas, pediments, varied parapet heights and similar features designed to provide variety and reduce the visual impact of the building height. In order to accommodate such features, the following exceptions to the height limitation in Subsection E(5) above shall be permitted:

[1] The height of such features shall not exceed the maximum permitted building height by more than eight feet.

[2] The horizontal area of such features, including the area enclosed by such features, that exceed the maximum permitted building height shall not exceed 20% of the horizontal area of that portion of the building having a height greater than 40 feet. This limitation shall be cumulative for all such features. [For example, the horizontal area of that portion of a sloped roof or roofs at an elevation greater than the maximum building height could not exceed 4,000 square feet in the case of a building with a horizontal area of 20,000 square feet (20,000 x 0.20 = 4,000).]

[3] In the case of linear features for which an area calculation is not possible, such as a parapet wall, rooftop screen, etc., the horizontal length of any such features that exceed the maximum permitted building height shall not exceed 20% of the horizontal length of the highest building wall or walls above which the feature is located and toward which such feature faces. This limitation shall be cumulative for all such features. [For example, the length of that portion of a parapet or parapets at an elevation greater than the maximum building height could not exceed 20 feet if located above a wall 100 feet long (100 x 0.20 = 20).]

(c) Buildings having a gross floor area greater than 40,000 square feet shall be required to use architectural features that provide variety and reduce the visual impact of the building mass, through the use of varied facade materials, facade projections and recesses, judicious use of windows and other openings in the facade, and other similar features.

(d) If parking or other exterior areas are provided beneath a building, such areas shall be screened by structural elements that are consistent or compatible with the materials and design of the front and side building facades. The intent of such screening shall be to mitigate the effects of headlights, minimize the view of parked vehicles and pavement, and to provide for a unified architectural design.

(11) Recreational/social amenities. Developments shall be required to include both interior and exterior common areas devoted to recreational, social and similar functions for residents and their guests, as set forth below:

(a) At least 40 square feet per dwelling unit shall be devoted to interior common areas, such as but not limited to meeting rooms, community centers, fitness centers, indoor recreational areas, lounges, libraries, etc. Areas such as hallways, stairs, elevators, entrance lobbies, storage, mail areas, mechanical space or office space and similar areas shall not count towards meeting this requirement.

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(b) At least 40 square feet per dwelling unit shall be devoted to exterior common areas, such as but not limited to recreational areas, gardens, courtyards, plazas, decks, patios, etc. Such areas may be located at grade level, on building terraces or on the roof of the building. Lawn or landscaped areas shall not count towards meeting this requirement unless such areas are specifically designed to be part of the aforementioned features.

(12) Parking and access regulations.

(a) Minimum number of parking spaces. The minimum number of parking spaces shall be as required and permitted by the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 et seq.

(b) Location.

[1] All required parking spaces shall be located on the same property as the principal building or buildings.

[2] Parking shall be located in the side or rear yards only, and/or beneath the principal building or buildings.

[3] Parking areas and driveways shall be located at least five feet from any side lot line or rear lot line.

(c) Other parking and access regulations. Except as provided otherwise by this section, parking areas and driveways shall be required to comply with all applicable requirements of this chapter or the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 et seq., whichever is applicable.

(13) Signs. The regulations for institutional use signs in the residential zone districts shall apply to signs for permitted residential development in the AH-2 Zone District.

F. Affordable housing requirements. All residential development shall be required to include affordable housing as a component. The following requirements shall apply:

(1) Location. It is anticipated that all affordable units required by this section shall be provided within the AH-2 Zone District; however, the developer may propose and the Planning Board may accept the provision of some or all of the affordable units in another location, subject to:

(a) Demonstration by the developer of a realistic plan in a known location for the development of an equal or greater number of units by the developer;

(b) Completion of such units within the phasing timeframes required for inclusionary development, unless extended by the Board for good cause shown;

(c) Conformance with all zoning requirements by the off-site development;

(d) Determination by the Planning Board that such off-site units are eligible for credit against the Village's statutorily mandated affordable housing obligation; and

(e) Execution of an agreement with the developer as a prior condition to the acceptance of any such proposal, unless waived by the Planning Board.

(2) Minimum number of affordable units.

(a) For developments that contain for-sale affordable units, 20% of the total number of

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housing units in the development shall be required to be affordable units.

(b) For developments that contain rental affordable units, excluding developments in Subsection F(2)(c) below, 15% of the total number of housing units in the development shall be affordable units.

(c) For developments that contain rental affordable units and at least 13% of the affordable units are made affordable to very-low-income households, 12.5% of the total number of housing units in the development shall be affordable units.

(d) In calculating the required number of affordable units, fractions of less than one unit shall be addressed by either of the following, with the option being the developer's: 1) development of an affordable unit by the developer, or 2) making a payment in lieu of the fractional unit by the developer. Any such payment shall be in accordance with the applicable rules of the New Jersey Council on Affordable Housing.

(e) In no case shall a residential development be permitted without any affordable dwelling units.

(3) Occupancy restrictions. Affordable units shall not be designated as age-restricted units, supportive housing units or special needs housing units unless the applicant demonstrates, and the Planning Board finds, that such units are eligible for credit against the Village's statutory affordable housing obligation.

(4) The general regulations for inclusionary developments in this chapter shall apply.

§ 190-118.4. B-3-R Business - Residential Zone District. [Added 3-23-2016 by Ord. No. 3490]

A. Intent. The B-3-R Zone District is intended to promote development that supports and is consistent with the commercial development pattern in the Central Business District and to accommodate multifamily housing in a location that can address the housing needs and preferences of certain households and which supports the Central Business District.

B. Permitted principal uses and structures. The following principal uses and structures shall be permitted in the B-3-R Zone District, subject, however to the use limitations in Subsection C below: **[Amended 2-8-2017 by Ord. No. 3579; 6-12-2024 by Ord. No. 4002]**

(1) Retail sales.

(2) Retail and personal services.

(3) Financial institutions, excluding drive-in banks.

(4) Eating and drinking establishments.

(5) Arts facilities.

(6) Brew pubs.

(7) Microbreweries.

(8) Fitness and health clubs.

(9) Flexible retail.

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(10) Instructional schools.

(11) Medical offices.

(12) Veterinary facilities.

(13) Microdistilleries.

(14) Recreational facilities.

(15) Flexible office/co-working/incubator space.

(16) Professional offices.

(17) Parking lots and structures.

(18) Child-care centers.

(19) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(20) Club, fraternal, recreational, athletic, political, labor, civic, and social uses located above the ground floor, except that ground floor areas used for access to such uses shall be permitted.

(21) Institutional uses.

(22) Trade offices and shops.

(23) Automobile showrooms.

(24) Business services.

(25) Multifamily dwellings, including but not limited to garden apartments and other apartments.

(26) Single-family attached residential dwelling units.

(27) Mixed-use development containing both permitted residential and permitted nonresidential uses.

C. Use limitations. The following limitations shall apply to permitted principal uses in the B-3-R Zone District:

(1) In order to ensure the provision of affordable housing, on any existing or future lot containing one acre or more of land, at least 2/3 of any new floor area to be developed shall be devoted to residential use, and shall include an affordable housing component as set forth in Subsection G below. In any such development, commercial uses shall be limited to the ground floor and/or basement in any new floor area to be constructed in the district.

(2) That portion of the ground floor within 150 feet of the Ridgewood Avenue right-of-way shall be limited to retail sales, eating and drinking places, banks and personal services permitted in the B-1 Zone District.

(3) Drive-in uses shall be prohibited.

(4) Individual commercial uses shall be limited to those which are small in scale, similar and consistent with the existing pedestrian-oriented shops and stores in the Central Business District, not exceeding a gross floor area of 10,000 square feet for each business establishment.

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(5) Commercial uses in a mixed-use development shall be limited to those that are compatible, and do not conflict, with multifamily housing.

(6) Residential development or mixed-use development shall not be permitted on lots containing less than one acre of land.

D. Permitted accessory uses and structures. The following accessory uses and structures shall be permitted in the B-3-R Zone District, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Surface parking areas, private garages and parking structures.

(2) Other accessory uses customarily incidental to the above permitted principal uses.

E. Prohibited uses. Any uses other than those permitted by this section are prohibited.

F. Development standards.

(1) Minimum tract area: one acre (43,560 square feet).

(2) Maximum density.

(a) For residential or mixed-use developments that contain for-sale affordable units, the maximum permitted density shall be 30 units per acre.

(b) For residential or mixed-use developments that contain rental affordable units, the maximum permitted density shall be 35 units per acre.

(3) Maximum floor area ratio.

(a) For developments that contain for-sale affordable units, the maximum permitted floor area ratio shall be 140% of the lot area.

(b) For developments that contain rental affordable units, excluding developments in Subsection F(3)(c) below, the maximum permitted floor area ratio shall be 145% of the lot area.

(c) For developments that contain rental affordable units and at least 13% of the affordable units are made affordable to very-low-income households, the maximum permitted floor area ratio shall be 150% of the lot area.

(d) In mixed-use developments, the maximum permitted floor area ratio of the nonresidential portion shall be 1/3 of the lot area. The maximum floor area for the entire development shall be as provided above.

(e) For nonresidential development on existing nonconforming lots containing less than one acre, the maximum permitted floor area ratio shall be 45% of the lot area.

(4) Maximum improvement coverage.

(a) For developments that contain for-sale affordable units, the maximum permitted improvement coverage shall be 90% of the lot area.

(b) For developments that contain rental affordable units, excluding developments in Subsection F(4)(c) below, the maximum permitted improvement coverage shall be 95% of

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the lot area.

(c) For developments that contain rental affordable units and at least 13% of the affordable units are made affordable to very-low-income households, the maximum permitted improvement coverage shall be 100% of the lot area.

(d) For nonresidential development on existing nonconforming lots containing less than one acre, the maximum permitted improvement coverage shall be 90% of the lot area.

(5) Maximum building height: 50 feet, except for limited architectural features designed in conformance with Subsection F(10)(b) below.

(6) Front yard.

(a) Maple Avenue and East Ridgewood Avenue: 12 feet minimum from street curb, 15 feet maximum from front lot line.

(b) Franklin Avenue: no minimum, 15 feet maximum from front lot line (ground floor nonresidential use only).

(c) Chestnut Street: 15 feet.

(7) Minimum side yard: no minimum side yard is required, but if a side yard is provided, a minimum yard depth of 12 feet shall apply.

(8) Minimum rear yard: no minimum rear yard is required, but if a rear yard is provided, a minimum yard depth of 12 feet shall apply.

(9) Minimum setback of principal buildings from any property developed for railroad use: 25 feet.

(10) Architectural design.

(a) Buildings shall be required to incorporate high-quality architectural features that are characteristic of exemplary buildings reflecting the traditional architecture in the Central Business District. The applicant for any development shall demonstrate such design by providing as part of any site plan review examples of and comparisons with existing high-quality buildings in the Central Business District.

(b) Buildings greater than 40 feet in height shall be required to use architectural features such as pitched roofs, varied rooflines, decorative cupolas, pediments, varied parapet heights and similar features designed to provide variety and reduce the visual impact of the building height. In order to accommodate such features, the following exceptions to the height limitation in Subsection F(5) above shall be permitted:

[1] The height of such features shall not exceed the maximum permitted building height by more than eight feet.

[2] The horizontal area of such features, including the area enclosed by such features, that exceed the maximum permitted building height shall not exceed 20% of the horizontal area of that portion of the building having a height greater than 40 feet. This limitation shall be cumulative for all such features. [For example, the horizontal area of that portion of a sloped roof or roofs at an elevation greater than the maximum building height could not exceed 4,000 square feet in the case of a building with a horizontal area of 20,000 square feet (20,000 x 0.20 = 4,000).]

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[3] In the case of linear features for which an area calculation is not possible, such as a parapet wall, rooftop screen, etc., the horizontal length of any such features that exceed the maximum permitted building height shall not exceed 20% of the horizontal length of the highest building wall or walls above which the feature is located and toward which such feature faces. This limitation shall be cumulative for all such features. [For example, the length of that portion of a parapet or parapets at an elevation greater than the maximum building height could not exceed 20 feet if located above a wall 100 feet long (100 x 0.20 = 20).]

(c) Buildings having a gross floor area greater than 40,000 square feet shall be required to use architectural features that provide variety and reduce the visual impact of the building mass, through the use of varied facade materials, facade projections and recesses, judicious use of windows and other openings in the facade, and other similar features.

(d) If parking or other exterior areas are provided beneath a building, such areas shall be screened by structural elements that are compatible with the materials and design of the front and side building facades. The intent of such screening shall be to mitigate the effects of headlights, minimize the view of parked vehicles and pavement, and to provide for a unified architectural design.

(11) Recreational/social amenities. Residential and mixed-use developments shall be required to include both interior and exterior common areas devoted to recreational, social and similar functions for residents and their guests, as set forth below:

(a) At least 40 square feet per dwelling unit shall be devoted to interior common areas, such as but not limited to meeting rooms, community centers, fitness centers, indoor recreational areas, lounges, libraries, etc. Areas such as hallways, stairs, elevators, entrance lobbies, storage, mail areas, mechanical space or office space and similar areas shall not count towards meeting this requirement.

(b) At least 40 square feet per dwelling unit shall be devoted to exterior common areas, such as but not limited to recreational areas, gardens, courtyards, plazas, decks, patios, etc. Such areas may be located at grade level, on building terraces or on the roof of the building. Lawn or landscaped areas shall not count towards meeting this requirement unless such areas are specifically designed to be part of the aforementioned features.

(12) Parking and access regulations.

(a) Minimum number of parking spaces.

[1] The minimum number of parking spaces for nonresidential use shall be one parking space for each 250 square feet of gross floor area, or fraction thereof.

[2] The minimum number of parking spaces for residential use shall be as required and permitted by the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 et seq.

[3] A shared-parking approach shall be permitted in the case of mixed-use development. In such cases, the minimum number of parking spaces shall be determined by the Board at the time of site plan review, depending upon various factors, including but not limited to: a) the parking demand and parking requirements of each of the various uses, as set forth above, b) the timing of the peak parking demand of the various uses,

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c) the location and layout of the parking in relation to the building entrances to the various uses, and d) the potential for future changes of use which would alter the foregoing factors.

(b) Location.

[1] All required parking spaces shall be located on the same property as the principal building or buildings.

[2] Parking shall be located in the side or rear yards only, and/or beneath the principal building or buildings.

[3] Surface parking areas not located beneath the building or in a parking structure, as well as site driveways shall be located at least five feet from any side lot line or rear lot line.

(c) Other parking and access regulations. Except as provided otherwise by this section, parking areas and driveways shall be required to comply with all applicable requirements of this chapter or the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 et seq., whichever is applicable.

(13) Signs. The regulations for signs in the B-2 Zone District shall apply in the B-3-R Zone District.

G. Affordable housing requirements. All residential development shall be required to include affordable housing as a component. The following requirements shall apply:

(1) Location. It is anticipated that all affordable units required by this section shall be provided within the B-3-R Zone District; however, the developer may propose and the Planning Board may accept the provision of some or all of the affordable units in another location, subject to:

(a) Demonstration by the developer of a realistic plan in a known location for the development of an equal or greater number of units by the developer;

(b) Completion of such units within the phasing timeframes required for inclusionary development, unless extended by the Board for good cause shown;

(c) Conformance with all zoning requirements by the off-site development;

(d) Determination by the Planning Board that such off-site units are eligible for credit against the Village's statutorily mandated affordable housing obligation; and

(e) Execution of an agreement with the developer as a prior condition to the acceptance of any such proposal, unless waived by the Planning Board.

(2) Minimum number of affordable units.

(a) For developments that contain for-sale affordable units, 20% of the total number of housing units in the development shall be required to be affordable units.

(b) For developments that contain rental affordable units, excluding developments in Subsection G(2)(c) below, 15% of the total number of housing units in the development shall be affordable units.

(c) For developments that contain rental affordable units and at least 13% of the affordable units are made affordable to very-low-income households, 12.5% of the total number of

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housing units in the development shall be affordable units.

(d) In calculating the required number of affordable units, fractions of less than one unit shall be addressed by either of the following, with the option being the developer's: 1) development of an affordable unit by the developer, or 2) making a payment in lieu of the fractional unit by the developer. Any such payment shall be in accordance with the applicable rules of the New Jersey Council on Affordable Housing, or other governing law.

(e) In no case shall a residential development be permitted without any affordable dwelling units.

(3) Occupancy restrictions. Affordable units shall not be designated as age-restricted units, supportive housing units or special needs housing units unless the applicant demonstrates, and the Planning Board finds, that such units are eligible for credit against the Village's statutory affordable housing obligation.

(4) The general regulations for inclusionary developments in this chapter shall apply.

§ 190-118.5. C-R Commercial - Residential Zone District. [Added 3-23-2016 by Ord. No. 3491]

A. Intent. The C-R Zone District is intended to promote development that supports the commercial development pattern in the Central Business District. The C-R Zone is also intended to accommodate multifamily housing in a location that can address the housing needs and preferences of certain households and which supports the Central Business District.

B. Permitted principal uses and structures. The following principal uses and structures shall be permitted in the C-R Zone District, subject, however to the use limitations in Subsection C below: **[Amended 6-12-2024 by Ord. No. 4002]**

(1) Retail sales.

(2) Retail and personal services.

(3) Financial institutions, excluding drive-in banks.

(4) Eating and drinking establishments.

(5) Arts facilities.

(6) Brew pubs.

(7) Microbreweries.

(8) Fitness and health clubs.

(9) Flexible retail.

(10) Instructional schools.

(11) Medical offices.

(12) Veterinary facilities.

(13) Microdistilleries.

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(14) Recreational facilities.

(15) Flexible office/co-working/incubator space.

(16) Professional offices.

(17) Parking lots and structures.

(18) Child-care centers.

(19) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

(20) Club, fraternal, recreational, athletic, political, labor, civic, and social uses located above the ground floor, except that ground floor areas used for access to such uses shall be permitted.

(21) Institutional uses.

(22) Trade offices and shops.

(23) Automobile showrooms.

(24) Business services.

(25) Multifamily dwellings, including but not limited to garden apartments and other apartments.

(26) Single-family attached residential dwelling units.

(27) Mixed-use development containing both permitted residential and permitted nonresidential uses.

C. Use limitations. The following limitations shall apply to permitted principal uses in the C-R Zone District:

(1) In order to ensure the provision of affordable housing, on any existing or future lot containing one acre or more of land, at least 2/3 of any new floor area to be developed shall be devoted to residential use, and shall include an affordable housing component as set forth in Subsection G below. In any such development, commercial uses shall be limited to the ground floor and/or basement in any new floor area to be constructed in the district.

(2) Drive-in uses shall be prohibited.

(3) Individual commercial uses shall be limited to those which are small in scale, similar and consistent with the existing pedestrian-oriented shops and stores in the Central Business District, not exceeding a gross floor area of 10,000 square feet for each business establishment.

(4) Commercial uses in a mixed-use development shall be limited to those that are compatible, and do not conflict, with multifamily housing.

(5) Residential development or mixed-use development shall not be permitted on lots containing less than one acre of land.

D. Permitted accessory uses and structures. The following accessory uses and structures shall be permitted in the C-R Zone District, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Surface parking areas, private garages and parking structures.

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(2) Other accessory uses customarily incidental to the above permitted principal uses.

E. Prohibited uses. Any uses other than those permitted by this section are prohibited.

F. Development standards.

(1) Minimum tract area: one acre (43,560 square feet).

(2) Maximum density.

(a) For residential or mixed-use developments that contain for-sale affordable units, the maximum permitted density shall be 30 units per acre.

(b) For residential or mixed-use developments that contain rental affordable units, the maximum permitted density shall be 35 units per acre.

(3) Maximum floor area ratio.

(a) For developments that contain for-sale affordable units, the maximum permitted floor area ratio shall be 140% of the lot area.

(b) For developments that contain rental affordable units, excluding developments in Subsection F(3)(c) below, the maximum permitted floor area ratio shall be 145% of the lot area.

(c) For developments that contain rental affordable units and at least 13% of the affordable units are made affordable to very-low-income households, the maximum permitted floor area ratio shall be 150% of the lot area.

(d) In mixed-use developments, the maximum permitted floor area ratio of the nonresidential portion shall be 1/3 of the lot area. The maximum floor area for the entire development shall be as provided above.

(4) Maximum improvement coverage.

(a) For developments that contain for-sale affordable units, the maximum permitted improvement coverage shall be 90% of the lot area.

(b) For developments that contain rental affordable units, excluding developments in Subsection F(4)(c) below, the maximum permitted improvement coverage shall be 92.5% of the lot area.

(c) For developments that contain rental affordable units and at least 13% of the affordable units are made affordable to very-low-income households, the maximum permitted improvement coverage shall be 95% of the lot area.

(5) Maximum building height: 50 feet, except for limited architectural features designed in conformance with Subsection F(10)(b) below.

(6) Minimum front yard: 15 feet.

(7) Minimum side yard: no minimum side yard is required, but if a side yard is provided, a minimum yard depth of 12 feet shall apply.

(8) Minimum rear yard: no minimum rear yard is required, but if a rear yard is provided, a minimum

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yard depth of 12 feet shall apply.

(9) Minimum setback of principal buildings from any property developed for railroad use: 25 feet.

(10) Architectural design.

(a) Buildings shall be required to incorporate high-quality architectural features that are characteristic of exemplary buildings reflecting the traditional architecture in the Central Business District. The applicant for any development shall demonstrate such design by providing as part of any site plan review examples of and comparisons with existing high-quality buildings in the Central Business District.

(b) Buildings greater than 40 feet in height shall be required to use architectural features such as pitched roofs, varied rooflines, decorative cupolas, pediments, varied parapet heights and similar features designed to provide variety and reduce the visual impact of the building height. In order to accommodate such features, the following exceptions to the height limitation in Subsection F(5) above shall be permitted:

[1] The height of such features shall not exceed the maximum permitted building height by more than eight feet.

[2] The horizontal area of such features, including the area enclosed by such features, that exceed the maximum permitted building height shall not exceed 20% of the horizontal area of that portion of the building having a height greater than 40 feet. This limitation shall be cumulative for all such features. [For example, the horizontal area of that portion of a sloped roof or roofs at an elevation greater than the maximum building height could not exceed 4,000 square feet in the case of a building with a horizontal area of 20,000 square feet (20,000 x 0.20 = 4,000).]

[3] In the case of linear features for which an area calculation is not possible, such as a parapet wall, rooftop screen, etc., the horizontal length of any such features that exceed the maximum permitted building height shall not exceed 20% of the horizontal length of the highest building wall or walls above which the feature is located and toward which such feature faces. This limitation shall be cumulative for all such features. [For example, the length of that portion of a parapet or parapets at an elevation greater than the maximum building height could not exceed 20 feet if located above a wall 100 feet long (100 x 0.20 = 20).]

(c) Buildings having a gross floor area greater than 40,000 square feet shall be required to use architectural features that provide variety and reduce the visual impact of the building mass, through the use of varied facade materials, facade projections and recesses, judicious use of windows and other openings in the facade, and other similar features.

(d) If parking or other exterior areas are provided beneath a building, such areas shall be screened by structural elements that are compatible with the materials and design of the front and side building facades. The intent of such screening shall be to mitigate the effects of headlights, minimize the view of parked vehicles and pavement, and to provide for a unified architectural design.

(11) Recreational/social amenities. Residential and mixed-use developments shall be required to include both interior and exterior common areas devoted to recreational, social and similar functions for residents and their guests, as set forth below:

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(a) At least 40 square feet per dwelling unit shall be devoted to interior common areas, such as but not limited to meeting rooms, community centers, fitness centers, indoor recreational areas, lounges, libraries, etc. Areas such as hallways, stairs, elevators, entrance lobbies, storage, mail areas, mechanical space or office space and similar areas shall not count towards meeting this requirement.

(b) At least 40 square feet per dwelling unit shall be devoted to exterior common areas, such as but not limited to recreational areas, gardens, courtyards, plazas, decks, patios, etc. Such areas may be located at grade level, on building terraces or on the roof of the building. Lawn or landscaped areas shall not count towards meeting this requirement unless such areas are specifically designed to be part of the aforementioned features.

(12) Parking and access regulations.

(a) Minimum number of parking spaces.

[1] The minimum number of parking spaces for nonresidential use shall be one parking space for each 250 square feet of gross floor area, or fraction thereof.

[2] The minimum number of parking spaces for residential use shall be as required and permitted by the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 et seq.

[3] A shared-parking approach shall be permitted in the case of mixed-use development. In such cases, the minimum number of parking spaces shall be determined by the Board at the time of site plan review, depending upon various factors, including but not limited to: a) the parking demand and parking requirements of each of the various uses, as set forth above, b) the timing of the peak parking demand of the various uses, c) the location and layout of the parking in relation to the building entrances to the various uses, and d) the potential for future changes of use which would alter the foregoing factors.

(b) Location.

[1] All required parking spaces shall be located on the same property as the principal building or buildings.

[2] Parking shall be located in the side or rear yards only, and/or beneath the principal building or buildings.

[3] Surface parking areas not located beneath the building or in a parking structure, as well as site driveways shall be located at least five feet from any side lot line or rear lot line.

(c) Other parking and access regulations. Except as provided otherwise by this section, parking areas and driveways shall be required to comply with all applicable requirements of this chapter or the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 et seq., whichever is applicable.

(13) Signs. The regulations for signs in the B-2 Zone District shall apply in the C-R Zone District.

G. Affordable housing requirements. All residential development shall be required to include affordable housing as a component. The following requirements shall apply:

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(1) Location. It is anticipated that all affordable units required by this section shall be provided within the C-R Zone District; however, the developer may propose and the Planning Board may accept the provision of some or all of the affordable units in another location, subject to:

(a) Demonstration by the developer of a realistic plan in a known location for the development of an equal or greater number of units by the developer;

(b) Completion of such units within the phasing timeframes required for inclusionary development, unless extended by the Board for good cause shown;

(c) Conformance with all zoning requirements by the off-site development;

(d) Determination by the Planning Board that such off-site units are eligible for credit against the Village's statutorily mandated affordable housing obligation; and

(e) Execution of an agreement with the developer as a prior condition to the acceptance of any such proposal, unless waived by the Planning Board.

(2) Minimum number of affordable units.

(a) For developments that contain for-sale affordable units, 20% of the total number of housing units in the development shall be required to be affordable units.

(b) For developments that contain rental affordable units, excluding developments in Subsection G(2)(c) below, 15% of the total number of housing units in the development shall be affordable units.

(c) For developments that contain rental affordable units and at least 13% of the affordable units are made affordable to very-low-income households, 12.5% of the total number of housing units in the development shall be affordable units.

(d) In calculating the required number of affordable units, fractions of less than one unit shall be addressed by either of the following, with the option being the developer's: 1) development of an affordable unit by the developer, or 2) making a payment in lieu of the fractional unit by the developer. Any such payment shall be in accordance with the applicable rules of the New Jersey Council on Affordable Housing, or other governing law.

(e) In no case shall a residential development be permitted without any affordable dwelling units.

(3) Occupancy restrictions. Affordable units shall not be designated as age-restricted units, supportive housing units or special needs housing units unless the applicant demonstrates, and the Planning Board finds, that such units are eligible for credit against the Village's statutory affordable housing obligation.

(4) The general regulations for inclusionary developments in this chapter shall apply.

§ 190-118.6. AH-3 Affordable Housing Zone District. [Added 11-9-2020 by Ord. No. 3817]

A. Intent. The AH-3 Zone District is intended to create the opportunity for inclusionary housing in a manner that is compatible with the character of the Village of Ridgewood.

B. Principal uses and structures. The following principal uses and structures shall be permitted:

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(1) Multifamily dwelling units.

(2) Community residences and shelters as defined in § 190-3.

C. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Private garages as an accessory use for up to four motor vehicles, subject to § 190-121G(3).

(2) Private swimming pools as permitted and regulated by § 190-124T.

(3) Private tennis courts, racquetball courts, paddleball courts, platform tennis courts, handball courts and similar recreation facilities designed to serve the residents on the premises, all as regulated in § 190-124G.

(4) Signs, as regulated in § 190-122.

(5) Off-street parking facilities, including structured parking.

(6) Accessory uses customarily incident to the above principal uses, provided that they shall not include any activity commonly conducted for gain unless specifically permitted in this section.

D. Conditional uses and structures. The following conditional uses and structures shall be permitted in the AH-3 District only if they comply with the appropriate regulations for such uses or structures in § 190-123:

(1) None.

E. Prohibited uses. Any uses other than those permitted by this section are prohibited.

F. Affordable housing requirements.

(1) The required affordable housing set-aside for any type of development is 15% where the affordable units shall be for rent, and 20% where the affordable units shall be for sale. Fractional affordable housing units shall be rounded down where the fraction is 0.49 units or less and rounded up where the fraction is 0.50 units or greater.

(2) Affordable housing units shall comply with the Village's affordable housing regulations in Article XII and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this section, provided that a minimum of 13% of the total low- and moderate-income units shall be affordable to very-low-income households (i.e., 30% or less of median income).

G. Bulk and lot regulations.

(1) Minimum lot size: 0.50 acre.

(2) Minimum lot width: 100 feet.

(3) Minimum lot depth: 100 feet.

(4) Minimum front yard setback: 50 feet.

(5) Minimum side and rear yard setback: 30 feet.

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(a) Minimum side and rear yard setback where adjacent to a residential use outside of the AH-3 District: 50 feet.

(6) Balconies, patios and recreational facilities shall be setback not less than 30 feet from any property line.

(7) Maximum floor area ratio: 50%.

(8) Maximum coverage by improvements: 75%.

(9) Maximum density:

(a) Tracts of 0.50 acres and smaller: 14 du/ac.

(b) Tracts of 0.51 acres to 1.25 acres: 16 du/ac.

(c) Tracts of 1.26 acres and greater: 18 du/ac.

(10) Maximum building height: 40 feet.

H. Building and site design:

(1) Building side and rear elevations shall be designed with the same material as the front of the building.

(2) Multiple principal buildings shall be permitted on a lot.

(3) Maximum building length: 200 feet.

(4) An overall theme of design and architectural motif shall be utilized within the development for the purpose of presenting an aesthetically desirable effect and shall be such that they provide varied building elevations, design and structural appearance within the context of the unifying theme.

(5) Any facade of a residential building shall not continue on the same plane for a linear distance of more than 75 feet. Minimum two-foot offsets shall be required at breaks in the facade planes.

(6) Building facades shall be predominantly finished in brick and/or fiber cement. "Fiber cement" shall refer to a combination of cellulose fibers and cementitious materials, that, manufactured in long, horizontal strips, has the appearance of wood siding. Stone veneer, stucco, cast stone and metal shall be used only for minor accentuation of other elements of the facade. Exterior insulation and finishing system shall not be used on any portion of the building facade.

(7) Building materials and architectural details shall be consistent on all sides of each building.

(8) Building entrances should be articulated to make it easily identifiable by visitors and to provide architectural interest. Examples of special features of entrances include, but are not limited to, awnings and architectural treatments.

(9) Upper floor windows should be divided into individual units or groupings of individual units, rather than a continuous "ribbon."

(10) Structured parking shall not exceed one story (parking level).

(11) If parking or other exterior areas are provided beneath a building, such areas shall be screened by structural elements that are compatible with the materials and design of the front and side

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building facades. The intent of such screening shall be to mitigate the effects of headlights, minimize the view of parked vehicles and pavement, and to provide for a unified architectural design.

(12) Pedestrian-friendly building design and site furnishings (outdoor tables, benches, bicycle racks, etc.) shall be provided.

(13) Minimum distance between buildings:

(a) Front facade to any facade: 60 feet.

(b) Rear facade to any façade: 50 feet.

(c) Side facade to any facade: 30 feet.

(14) Roof design:

(a) Any third story shall be created within the roof space over the second floor to reduce the appearance of height. Flat roofs are prohibited. Gambrel, gable and hipped roofs are permitted. Dormers may be utilized where appropriate for the architectural style.

(15) Roof shape, color, and texture should be coordinated with the exterior materials of the building's facade.

(16) Roof design should minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together.

(17) Rooftop equipment such as mechanical units, vents, and flues should be located centrally on the building roof, to the extent practicable. Any equipment visible from a publicly accessible area, adjacent lots, and pedestrian corridors shall be screened with solid materials using parapets, pitched roof forms, or penthouses. Screening shall be constructed of the same or complementary material as the building.

§ 190-118.7. B-3 Affordable Housing Zone District. [Added 11-9-2020 by Ord. No. 3819]

A. Intent. The B-3 Zone District is to promote mixed-use development with inclusionary housing in a manner that is compatible with the character of the Village of Ridgewood.

B. Principal uses and structures. The following principal uses and structures shall be permitted:

(1) Nonresidential uses permitted in the B-2 Zone District.

(2) Dwelling units above the ground floor that meet the inclusionary housing standards in § 190-124R. Ground-floor areas used for access to such uses shall be permitted and ground-floor areas which do not face a public street and consist of common areas for the residential units shall also be permitted.

C. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Outdoor cafes either on private property or within the public sidewalk right-of-way as an accessory use to an eating establishment, as regulated by Article VIII of Chapter 156.

(2) Private garages as an accessory use for up to four motor vehicles, subject to § 190-121G(3).

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(3) Signs, as regulated in § 190-122.

(4) Off-street parking facilities, including structured parking.

(5) Accessory uses customarily incident to the above principal uses, provided that they shall not include any activity commonly conducted for gain unless specifically permitted in this section.

D. Conditional uses and structures. The following conditional uses and structures shall be permitted in the B-3 District only if they comply with the appropriate regulations for such uses or structures in § 190-123:

(1) None.

E. Prohibited uses.

(1) Drive-in facilities.

(2) Any uses other than those permitted by this section are prohibited.

F. Bulk and lot regulations.

(1) Minimum lot size: 0.25 acre.

(2) Minimum lot width: 100 feet.

(3) Minimum lot depth: 150 feet, or that which is existing at the time of this section's adoption, whichever is less.

(4) Minimum front yard setback: 20 feet.

(5) Maximum front yard setback: 30 feet.

(6) Minimum side yard setback: zero feet, but if provided 12 feet.

(7) Minimum rear yard setback: 15 feet.

(8) Minimum side and rear yard setback where adjacent to a residential use outside the B-3 Zone District: 30 feet.

(9) Balconies, patios and recreational facilities shall be set back not less than 30 feet from any property line.

(10) Maximum floor area ratio: 75%.

(11) Maximum coverage by improvements: 85%.

(12) Maximum density:

(a) Tracts of 0.25 acres and less: 12 du/ac.

(b) Tracts of 0.26 to 0.50 acres: 16 du/ac.

(c) Tracts of 0.51 acres to 1.00 acres: 18 du/ac.

(d) Tracts of 1.01 acres and greater: 20 du/ac.

(13) Maximum building height: 40 feet.

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G. Building and site design:

(1) Buildings shall be oriented toward North Maple Avenue or Goffle Road, as may be applicable, with all or a significant portion located parallel to said street. This shall not apply to any building located behind another building. Orientation shall include the provision of one or more primary building entrances.

(2) First-floor residential units shall not face North Maple Avenue or Goffle Road, as may be applicable.

(3) Multiple principal buildings shall be permitted on a lot.

(4) Maximum building length: 150 feet.

(5) An overall theme of design and architectural motif shall be utilized within the development for the purpose of presenting an aesthetically desirable effect and shall be such that they provide varied building elevations, design and structural appearance within the context of the unifying theme.

(6) Building side and rear elevations shall be designed with the same material as the front of the building.

(7) Any facade of a residential building shall not continue on the same plane for a linear distance of more than 75 feet. Minimum two-foot offsets shall be required at breaks in the facade planes.

(8) Building facades shall be predominantly finished in brick and/or fiber cement. "Fiber cement" shall refer to a combination of cellulose fibers and cementitious materials, that, manufactured in long, horizontal strips, has the appearance of wood siding. Stone veneer, stucco, cast stone and metal shall be used only for minor accentuation of other elements of the facade. Exterior insulation and finishing system shall not be used on any portion of the building facade.

(9) Building materials and architectural details shall be consistent on all sides of each building.

(10) Building entrances should be articulated to make it easily identifiable by visitors and to provide architectural interest. Examples of special features of entrances include, but are not limited to, awnings and architectural treatments.

(11) Upper-floor windows should be divided into individual units or groupings of individual units, rather than a continuous "ribbon."

(12) Buildings shall use architectural features such as pitched roofs, varied rooflines, decorative cupolas, pediments, varied parapet heights and similar features designed to provide variety and reduce the visual impact of the building height. In order to accommodate such features, the following exceptions to the height limitation shall be permitted:

(a) The height of such features shall not exceed the maximum permitted building height by more than five feet.

(b) The horizontal area of such features, including the area enclosed by such features, that exceed the maximum permitted building height shall not exceed 20% of the horizontal area of that portion of the building having a height greater than 40 feet. This limitation shall be cumulative for all such features. [For example, the horizontal area of that portion of a sloped roof or roofs at an elevation greater than the maximum building height could not exceed 4,000 square feet in the case of a building with a horizontal area of 20,000

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square feet 20,000 x 0.20 = 4,000).]

(c) In the case of linear features for which an area calculation is not possible, such as a parapet wall, rooftop screen, etc., the horizontal length of any such features that exceed the maximum permitted building height shall not exceed 20% of the horizontal length of the highest building wall or walls above which the feature is located and toward which such feature faces. This limitation shall be cumulative for all such features. [For example, the length of that portion of a parapet or parapets at an elevation greater than the maximum building height could not exceed 20 feet if located above a wall 100 feet long (100 x 0.20 = 20).]

(13) Roof design:

(a) Any third story shall be created within the roof space over the second floor to reduce the appearance of height. Flat roofs are prohibited. Gambrel, gable and hipped roofs are permitted. Dormers may be utilized where appropriate for the architectural style.

(b) Roof shape, color, and texture should be coordinated with the exterior materials of the building's facade

(c) Roof design should minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together.

(d) Rooftop equipment such as mechanical units, vents, and flues should be located centrally on the building roof, to the extent practicable. Any equipment visible from a publicly accessible area, adjacent lots, and pedestrian corridors shall be screened with solid materials using parapets, pitched roof forms, or penthouses. Screening shall be constructed of the same or complementary material as the building.

(14) Parking design.

(a) Parking shall be located in the side or rear yards only, and/or beneath the principal building or buildings.

(b) Surface parking areas not located beneath the building or in a parking structure, as well as site driveways shall be located at least five feet from any side lot line or rear lot line or 10 feet where adjacent to a residential use outside the B-3 Zone District.

(c) If parking or other exterior areas are provided beneath a building shall not occupy more than 50 feet of frontage along North Maple Avenue or Goffle Road, as may be applicable. Parking areas beneath a building shall be screened by structural elements that are compatible with the materials and design of the front and side building facades. The intent of such screening shall be to mitigate the effects of headlights, minimize the view of parked vehicles and pavement, and to provide for a unified architectural design.

(d) A shared-parking approach shall be permitted in the case of mixed-use development. In such cases, the minimum number of parking spaces shall be determined by the Board at the time of site plan review, depending upon various factors, including but not limited to: a) the parking demand and parking requirements of each of the various uses, as set forth above; b) the timing of the peak parking demand of the various uses; c) the location and layout of the parking in relation to the building entrances to the various uses; and d) the potential for future changes of use which would alter the foregoing factors.

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(15) Pedestrian-friendly building design and site furnishings (outdoor tables, benches, bicycle racks, etc.) shall be provided.

(16) Signs. The regulations for signs in the B-2 Zone District shall apply in the B-3 Zone District.

§ 190-119. General provisions.

A. Yards. There shall be provided for every lot front, rear and side yards as required in the zone district in which such lot is located. No open space which has been counted or included as a part of a side yard, rear yard, front yard, court or other open space as required by this chapter for one building may, by reason of change of ownership or for any other reason, be counted or included in order to comply with the yard, court or other open space requirement of any other building. in addition, the following general regulations shall apply: **[Amended 7-18-2001 by Ord. No. 2744; 2-11-2004 by Ord. No. 2862; 3-23-2016 by Ord. No. 3493; 4-12-2017 by Ord. No. 3591; 9-12-2018 by Ord. No. 3668; 9-12-2018 by Ord. No. 3669; 11-8-2023 by Ord. No. 3973]**

(1) Front yards.

(a) All front yards must face upon a dedicated public street and shall be of the size required for the particular zone district in which the lot is located, provided that, on streets less than 50 feet in width, the required front yard shall be increased by 1/2 the difference between the width of the street and 50 feet, and provided further that any lot which abuts a street with a proposed right-of-way greater than 50 feet in width as shown on the Master Plan for streets of the Village shall have a front yard setback measured from the nearest line of the proposed building or structure to the proposed right-of-way line shown on such Master Plan. In the event a street, or part thereof, is located within an easement, or is proposed to be widened within an easement, rather than within a dedicated right-of-way, the front yard setback shall be measured from the casement line.

(b) In the B-1 and B-2 Zone Districts, all new buildings and additions to existing buildings shall conform to the existing established front yard setback line of the buildings located on each side of the subject property. In the event that the front yard setback on each side of the subject property is not the same distance from the center line of the abutting street in question, then the Planning Board, as part of site plan review, shall determine the required setback line for the subject property which shall not be less than the setback of the abutting property that is closest to the street right-of-way line nor greater than the setback of the abutting property that is farthest from the street right-of-way line.

(c) In the B-1 and B-2 Zone Districts, where there are no adjacent buildings that are located in the business districts to determine the required front yard setback, the following minimum dimensions shall apply:

[1] B-1 interior lots shall have a minimum front yard setback of zero feet.

[2] B-1 corner lots shall have a minimum front yard setback of five feet.

[3] B-2 interior lots shall have a minimum front yard setback of five feet.

[4] B-2 corner lots shall have a minimum front yard setback of 10 feet.

(d) Mean prevailing front yards. Where an application for development is located in the R-125, R-110, R-1, R-2, or R-3 Zone in an area with a standard lot pattern and established residential character, the required front yard shall be determined by calculating the mean

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prevailing front yard. The purpose of establishing a mean prevailing front yard is to ensure that new construction or additions are consistent with the established streetscape in the Village's neighborhoods.

The mean prevailing front yard shall not be calculated in parts of the Village with a pattern of irregular lot shapes and sizes and for streets defined by curves and elevation changes that do not have a consistent streetscape.

Prior to the submission or filing of any development application which may involve the mean prevailing front yard, it shall be applicant's obligation to have the Zoning Officer determine the applicability of the mean front yard regulations. If such determination is not made prior to the filing of such development application, the Zoning Officer shall be authorized to determine its applicability.

The mean prevailing front yard setback to be applied to a lot shall be determined as follows:

[1] The applicant shall determine the front yard setback for the principal dwellings on the five nearest tax lots to the subject property in each direction, on the same side of the street, within the same block, and within the same zoning district. The measurement shall not include the setback from the street for corner lots, where the front yard of the corner lot is measured from a different street. In calculating the mean prevailing setback, the largest and smallest setback shall not be included in the calculation. Setbacks shall be measured to the nearest part of the house excluding porches and stoops.

[2] If the mean prevailing front setback as calculated is either greater than the minimum required setback by five or more feet or less than the minimum required setback by five or more feet, then the building setback shall be within two feet of the calculated mean setback. For example: The minimum required front yard setback in the R-1 Zone is 40 feet. The calculated mean front yard setback of the homes on the south side of Tree Lane is 32 feet. Therefore, a new building on the south side of Tree Lane shall have a front yard setback of between 30 feet and 34 feet.

[3] If the mean prevailing setback as calculated for a lot is not more than five feet greater or five feet less than the minimum required setback, then the building setback shall be setback a distance between the minimum required setback and the minimum required setback plus five feet. For example: The minimum required front yard setback in the R-1 Zone is 40 feet. The calculated mean front yard setback of the homes on the north side of Tree Lane is 42 feet. Therefore, a new building on the south side of Tree Lane shall have a minimum front yard setback of between 40 feet and 45 feet.

[4] If a street contains three or fewer dwellings or there are three or fewer dwellings within the same zone within five lots of the subject property, then a prevailing setback shall not be established and the minimum front yard requirement in the zone shall apply.

(2) Yards on corner lots. All yards on corner lots abutting any street shall be construed as front yards and shall be subject to the front yard setback requirement of the zone in which said lot falls.

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(3) Yards abutting railroads and state highways. Unless specifically provided otherwise by the regulations for individual zone districts, the yard requirement for any residentially zoned lot that abuts a state highway or active railroad shall increase the yard requirement for that yard that abuts said highway or railroad by 50%.

(4) Projections and encroachments. Except as hereinafter specified, yards and courts required under this chapter shall be entirely free of principal buildings or parts thereof:

(a) Cornices and eaves may project not to exceed two feet over any required yard or court.

(b) Sills, leaders, belt courses and similar ornamental or structural features may project six inches into any required yard or court.

(c) An open fire balcony or fire escape may project into a required yard not more than four feet.

(d) Ground-story bay windows or oriels may project not more than three feet into any required yard in the R-125, R-110, R-1, R-1A, R-2 and R-3 Zone Districts.

(e) Chimneys with or without fireplaces may also project not more than 18 inches into any required yard in the R-125, R-110, R-1, R-1A, R-2 and R-3 Zone Districts. The total area of such encroachment shall not exceed 12 square feet.

(f) No canopy or marquee shall extend past any setback line affecting the building to which it is affixed. This prohibition shall not apply to awnings. In addition, canopies shall be subject to the provisions of § 190-124L, and awnings shall be subject to the provisions of § 190-124K.

(g) No steps or stairs shall extend into any street right-of-way in any zone district. Unenclosed stairs may extend not more than 60 inches into any required front yard. Unenclosed steps may extend not more than 60 inches into any required rear yard or 36 inches into any required side yard.

(h) Window-mounted air-conditioning units, fans and similar window-mounted equipment designed to provide heating, ventilating or air conditioning through such window may project into a required yard not more than three feet.

(i) An unenclosed front porch may extend not more than 60 inches into a required front yard, provided that a deed restriction is filed to prevent future enclosure, and further provided that all other bulk standards are met by the property.

(5) Lot line and yard determinations for uncommon or atypical lots. In the event that the definitions of lot lines and yards in § 190-3 do not allow for a clear or reasonable determination of front, rear and side lot lines or yards, as for example in the case of flag lots or land-locked parcels which may be nonconforming or created by variance, the determination of such lot lines and yards shall be made by the Zoning Officer. Any such determination may be appealed following the procedures set forth in § 190-29, and a formal interpretation of the applicable lot lines and yards may be obtained following the procedures set forth in § 190-30. In making such determination, deciding such appeals and in making such interpretations, the following guidelines shall apply:

(a) Generally, the common boundaries between lots are to be defined the same. Thus, if the common boundary is a rear lot line for one lot, it is to be considered a rear lot line for all

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lots that share that boundary. The same case applies when a common boundary is a side lot line. There are exceptions to this principle, however, such as when a rear lot line on a corner lot is also the side lot line of the property sharing the same boundary.

(b) Generally, rear lot lines intersect side lot lines or other rear lot lines, but not front lot lines. There are exceptions to this principle, however, such as when a rear lot line on a corner lot intersects one or more of the front lot lines.

(c) Generally, side lot lines intersect front lot lines and/or rear lot lines. Side lot lines also form a portion of the limits of front, side and rear yards.

(d) Generally, rear lot lines and rear yards are located to the rear of the principal building, and side yards are located to the side of the principal building. There are exceptions to this principle, however, such as when the principal building is at a severe angle to the lot line(s), or the lot line(s) curve or angle along more than one wall of the building, the lot is unusually shaped, the building is unusually shaped, etc.

(e) Generally, front yards are located in front of the principal building, across the full width of a lot. There are exceptions to this principle, however, such as in the case of flag lots and land-locked parcels not having frontage on an approved street. In such cases, the front yard may be more limited in extent or there may be no front yard at all, as with a land-locked parcel.

(f) In cases where the application of these guidelines conflict with or contradict one another or the lot line and yard definitions in § 190-3, the determination of front, side and rear lot lines and yards shall be made by the Zoning Officer based upon the facts in each situation.

B. Principal buildings. **[Amended 8-9-2006 by Ord. No. 3015; 6-13-2012 by Ord. No. 3343; 3-23-2016 by Ord. No. 3493; 2-8-2017 by Ord. No. 3579]**

(1) No lot shall contain more than one principal building, except:

(a) Garden apartments, multifamily dwellings and single-family attached residential dwelling units permitted and regulated in the various zone districts;

(b) Shopping centers located in the HC zone district; and

(c) Institutional uses as defined and permitted by this chapter.

(2) No building to be used as a dwelling shall be constructed, altered or moved on, to or in the rear of any building situated on the same lot, except as permitted by Subsection B(1) above.

C. Accessory buildings and structures. No accessory building or structure shall be built on any lot on which there is not a principal building or structure, except when specifically permitted otherwise by this chapter. The following general provisions shall apply to accessory structures:

(1) Accessory structures in residential zones. The following requirements shall be met in all residential zones:

(a) No accessory building or above-grade structure shall have a ground area greater than the ground area of the principal building or structure on the same lot.

(b) No freestanding accessory building or structure shall exceed 15 feet in height, except as may be specifically provided otherwise by this chapter, such height shall be measured as

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set forth in § 190-119D. Notwithstanding the foregoing, the height of accessory buildings shall be permitted to be greater than 15 feet, but not more than 18 feet, when all of the following requirements are met: **[Amended 10-13-1998 by Ord. No. 2643; 5-14-2008 by Ord. No. 3120]**

[1] The coverage by the accessory building is at least 400 square feet;

[2] The accessory building complies with the required setback requirements in Subsection C(1)(f) below; and

[3] The pitch of any roof greater than 15 feet high is at least 8:12 (eight inches vertical for every 12 inches horizontal).

(c) No accessory building shall be permitted in any front yard. Swimming pools, tennis courts, decks, patios, and similar play structures shall be prohibited in any front yard; provided, however, that basketball equipment which utilizes a permitted driveway on the lot as the play surface is exempt from this prohibition. **[Amended 5-13-1996 by Ord. No. 2565]**

(d) All accessory buildings shall be located at least 12 feet from any principal building situated on the same lot.

(e) Accessory buildings may be built within any side yard if the distance from any accessory building to the side lot line is equal to or greater than the required side yard setback for the principal building on such lot.

(f) Accessory buildings built in any rear yard shall not be closer than five feet from any side or rear property line of the lot; provided, however, that when an accessory building is attached to a principal building by a breezeway, roof, wall or the like, or is separated from the principal building by a distance less than required by § 190-119C(1)(d), such accessory building shall be subject to the same minimum side and rear yard setback requirements as the principal building. **[Amended 2-11-2004 by Ord. No. 2862]**

(g) Notwithstanding the above, freestanding flagpoles shall be limited to a height of 20 feet when accessory to a residential use and 30 feet when accessory to a nonresidential use, and shall be set back from any property line a distance equal to or greater than the height of such flagpole. Flagpoles mounted on a building shall be limited to the maximum permitted height of the building, provided that any such poles located on or which project above the roof of a building shall be subject to the regulations for rooftop equipment in § 190-119D(3), and further provided that such poles shall be exempt from the setback requirements applicable to the building or to freestanding flagpoles. **[Amended 10-13-1998 by Ord. No. 2643; 12-11-2013 by Ord. No. 3400]**

(2) Accessory structures in nonresidential zones. The following requirements shall be met in all nonresidential zones:

(a) No accessory building shall have a ground area greater than the ground area of the principal building on the same lot.

(b) No freestanding accessory building or structure shall exceed 20 feet in height, except as may be specifically provided otherwise by this chapter. **[Amended 10-13-1998 by Ord. No. 2643]**

(c) No accessory building shall be permitted in any front yard.

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(d) No accessory building shall be closer to the principal building on the lot on which it is located than 10 feet or the height of such accessory building, whichever is greater.

(e) Accessory buildings may be built within any side yard if the distance from such accessory building to the side line of the lot is equal to or greater than the required side yard setback for the principal building on such lot.

(f) Accessory buildings built in any rear yard shall comply with the following requirements; provided, however, that when an accessory building is attached to a principal building by a breezeway, roof, wall or the like, or is separated from the principal building by a distance less than required by § 190-119C(2)(d), such accessory building shall be subject to the same minimum side and rear yard setback requirements as the principal building. **[Added 2-11-2004 by Ord. No. 2862]**

[1] Accessory buildings and roofed accessory structures having a floor area of less than or equal to 500 square feet shall be located at least five feet from the side or rear lot line.

[2] Except as provided in Subsection A above, accessory buildings and roofed accessory structures having a floor area of more than 500 square feet shall comply with the minimum yard requirements for principal buildings.

(g) Notwithstanding the above, freestanding flagpoles shall be limited to a height of 30 feet and shall be set back from any property line a distance equal to or greater than the height of such flagpole. Flagpoles mounted on a building shall be limited to the maximum permitted height of the building, provided that any such poles located on or which project above the roof of a building shall be subject to the regulations for rooftop equipment in § 190-119D(3), and further provided that such poles shall be exempt from the setback requirements applicable to the building or to freestanding flagpoles. **[Added 12-11-2013 by Ord. No. 3400]**

D. Height of buildings and other structures. **[Amended 10-13-1998 by Ord. No. 2643; 4-10-2002 by Ord. No. 2780; 2-11-2004 by Ord. No. 2862; 5-14-2008 by Ord. No. 3120]**

(1) The height limitations required in each zone district shall not apply to steeples for houses of worship; provided, however, that the height of such steeples shall not exceed 75 feet in height.

(2) Houses of worship, school buildings and structures, and any Village-owned, -leased or -operated building, structure or use shall not exceed 45 feet in height. **[Amended 12-11-2013 by Ord. No. 3400]**

(3) The height limitations for buildings shall not apply to rooftop appurtenances, including but not limited to decorative architectural elements such as cupolas and weathervanes; heating, ventilating and air-conditioning equipment; chimneys, vent pipes, etc., but only if such appurtenances comply with the following limitations:

(a) The height of the appurtenances, and any structures that screen the appurtenances from view, must not exceed eight feet above the highest point of the roof or eight feet above the maximum permitted building height, whichever is less.

(b) The horizontal dimension of any such appurtenances, and any structures that screen such appurtenances from view, must not exceed 20% of the horizontal dimension of the building wall or side toward which such appurtenance or screening structure faces. For

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example, a chimney located on or facing the side of a building having a horizontal dimension of 40 feet is exempt from the building height requirements only if the horizontal dimension of the chimney facing that side of the building is eight feet or less.

(4) The height limitations for buildings shall not apply to roof-mounted antennas, provided that roof-mounted antennas shall be required to comply with the applicable regulations for such antennas set forth in this chapter.

(5) The height of buildings and other roofed structures shall be calculated as the vertical distance between the highest point of such building or structure and the average finished ground level as set forth herein. The following shall apply:

(a) "Highest point of the building" shall include but not be limited to any roof, parapet wall, pediment or other vertical facade element that projects above the roof, and any appurtenance thereto, but excluding any features that are exempted by this chapter from building height requirements.

(b) The "average finished ground level" shall be calculated using an average of a representative sample of the various finished ground levels located within the following distances from the base of the building or roofed structure, provided that only ground levels located on the subject property shall be used in the calculation:

[1] Principal buildings or roofed structures: 15 feet.

[2] Accessory buildings or roofed structures: six feet.

(c) In the event that retaining walls are present within the area used for calculating the average finished ground level, both the top and bottom elevations of the retaining wall in the same location shall be used in calculating the average finished grade elevation.

(6) The height of other structures besides buildings and other roofed structures regulated by Subsection D(5) above shall be calculated as set forth in the specific section of this chapter regulating such structures. Where such sections do not specify a method of calculation, the height of such structures shall be calculated as the vertical distance between:

(a) The highest point of the structure; and

(b) The average finished ground level at the base of the structure, except that when the finished ground level at the base of the structure is elevated above the surrounding ground (such as when the structure is located on a berm or wall), the ground level at the base of the structure shall be disregarded and the average ground level of the surrounding ground shall be used to determine the height of the structure.

(7) When the finished ground levels include levels that are sunken below the surrounding ground level, such as but not including sunken driveways, sunken stairs or stairwells, window wells, ventilation shafts, etc., such levels shall be disregarded in height calculations.

E. Physical or visual obstructions.

(1) On any corner lot, no fence, structure, planting or shrubbery over 30 inches in height above the level of the pavement at the center of the street opposite the point in question shall be erected or maintained within 25 feet of the intersection formed by the projections of the two street side lines at the corner.

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(2) No hedge, shrubbery or planting on any lot in any residential zone shall be permitted within three feet from any street side line. The branches of all trees projecting beyond any such street side line must be trimmed at all times to ensure unobstructed vision and clearance eight feet above ground or sidewalk level.

F. Lighting. **[Amended 6-13-2012 by Ord. No. 3343]**

(1) No artificial source of light shall be constructed or utilized within the Village of Ridgewood so as to create a nuisance across property lot lines.

(2) All light fixtures in any zone district shall be designed and located so that the illumination of any kind therefrom, whether from interior or exterior sources, shall not exceed 0.1 footcandle at any point at ground level along any property lot line in the residential zones of the Village of a property being used or capable of being used for residential purposes. For purposes of administering this requirement, properties within a residential zone district not capable of being used for residential purposes shall include, but not be limited to, streets, utility rights-of-way, streams and other water bodies, parklands and other preserved open space, and properties already developed and anticipated to remain developed for nonresidential use.

G. Cantilevered structures and buildings raised on columns. The following provisions shall apply to the cantilevered structures and buildings raised on columns: **[Amended 10-8-1996 by Ord. No. 2583]**

(1) No building shall be permitted which is supported by above-grade piers, columns, pylons or similar structures, and unless such building is supported on a continuous footing and foundation and enclosed on all sides by an exterior wall that rests on said footing and foundation. Notwithstanding the above, the following construction is exempt from the foregoing prohibition: **[Amended 3-23-2016 by Ord. No. 3493]**

(a) Cantilevered portions of buildings which are completely open beneath said portion;

(b) Carports and similar roofed canopies supported by piers or columns, provided that such structures shall not be permitted to contain any floor area above any ceiling of said structures;

(c) Balconies, fire escapes, stairwells, bay windows and similar projecting structures; and

(d) Parking areas located beneath buildings where specifically permitted in the individual zone districts.

(2) For purposes of administering this chapter, calculations of setbacks, coverage by above-grade structures and coverage by improvements shall be made from the furthest projecting wall of cantilevered structures. **[Amended 6-7-1999 by Ord. No. 2670]**

H. Coverage by improvements for single-family and two-family dwellings. In the R-125, R-110, R-1, R-1A, R-2, R-2A, R-3, R-4, R-5 and R-7 Zone Districts, single-family detached dwellings, two-family dwellings, community residences and shelters and any other uses which are subject to the same requirements as the foregoing shall comply with the following schedules of maximum coverage by improvements: **[Added 6-7-1999 by Ord. No. 2670]**

(1) Maximum improvement coverage of total lot.

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Total Lot Area (square feet)	Maximum Coverage by Improvements (percent of total lot area)
0 to 13,999	45%, but not above 5,600 square feet
14,000 to 24,999	40%, but not above 8,750 square feet
25,000 and over	35%

(2) Maximum improvement coverage of lot area within specified distance of front lot line. For corner lots, the distance shall be measured from all lot frontages. In addition to the schedule in Subsection H(1) above, the coverage by improvements located within the following specified distances of the front lot line(s) shall comply with the following schedule: **[Amended 11-8-2023 by Ord. No. 3973]**

Lot Area Within Specified Distance of Front Lot Line* (square feet)	Maximum Coverage by Improvements Located Within Specified Distance of Front Lot Line* (percent of total lot area)
0 to 13,999	45%, but not above 5,600 square feet
14,000 to 24,999	40%, but not above 8,750 square feet
25,000 and over	35%

* NOTE: The specified distances from the front lot line are as follows:

Zone District	Distance from Front Lot Line (feet)
R-1, R-1A, R-2, R-2A and R-3	140
R-110	175
R-125	200

I. Street easements. In the event a street or any portion of a street, or any proposed widening of a street is located within an easement rather than within a dedicated right-of-way, the required lot area, lot width, lot frontage, lot depth and all required setbacks shall be increased above that which would otherwise be required for the use in the respective zone district, the same as if the easement were to be entirely a dedicated right-of-way. Furthermore, in such situation, the maximum permitted floor area ratio, density, coverage by above-grade structures and coverage by improvements shall be reduced by a percentage equal to the percentage of the lot area occupied by the easement, the same as if the easement were to be entirely a dedicated right-of-way. **[Added 7-18-2001 by Ord. No. 2744]**

J. Maximum gross building area for single-family detached dwellings, two-family dwellings and duplexes. In all zone districts, single-family detached dwellings, two-family dwellings, duplexes, community residences and shelters and any other lawfully permitted uses which are subject to the same requirements as the foregoing shall comply with the following schedule of maximum gross building area (see definition in § 190-3):

(1) Single-family detached dwellings and community residences and shelters.

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Lot Area (square feet)	Maximum Gross Building Area Detached Principal Building[1] (lesser of % lot area or square feet)	Maximum Gross Building Area Detached Detached Accessory Buildings[1] (lesser of % lot area or square feet)[2]
0 to 8,399	35%, 2,856	7.5%, 588
8,400 to 10,499	34%, 3,360	7.0%, 682
10,500 to 13,999	32%, 4,060	6.5%, 840
14,000 to 19,249	29%, 4,620	6.0%, 962
19,250 to 24,999	24%, 5,000	5.0%, 1,000
25,000 and over	20%	4.0%

(2) Two-family dwellings and duplexes.

Lot Area (square feet)	Maximum Gross Building Area Detached Principal Building[1] (lesser of % lot area or square feet)	Maximum Gross Building Area Detached Detached Accessory Buildings[1] (lesser of % lot area or square feet)[2]
0 to 8,399	40%, 3,276	7.5%, 588
8,400 to 10,499	39%, 3,675	7.0%, 682
10,500 to 13,999	35%, 4,060	6.5%, 840
14,000 to 19,249	29%, 4,620	6.0%, 962
19,250 to 24,999	24%, 5,000	5.0%, 1,000
25,000 and over	20%	4.0%

NOTES:

[1] In cases where there is more than one principal building and/or more than one accessory building, the maximum areas specified in the above schedules apply to the total gross building area of all such principal and accessory buildings, as applicable, not to individual buildings.

[2] The additional gross building area ratio for detached accessory buildings shall only be permitted for such buildings that are separated from the principal building or buildings by the distance specified in § 190-119C(1)(d).

K. Limited exemptions for barrier-free access. Notwithstanding the definitions of "floor area ratio," "gross floor area" and "habitable floor area" in § 190-3, up to 100 square feet of floor area in any principal building, excluding single-family and two-family dwellings, shall be exempted from the limitations of this chapter concerning floor area ratio, gross floor area and the minimum number of parking spaces in proportion to floor area, if such floor area meets the following requirements: **[Added 3-11-2009 by Ord. No. 3174]**

(1) The floor area to be exempted must be devoted to providing barrier-free access for the disabled.

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The applicant shall have the burden of proof, and must demonstrate that the floor area in question is: necessary to provide barrier-free access for the disabled, and that no reasonable alternative to such exemption exists. To satisfy this requirement, the applicant shall demonstrate that the floor area in question provides space in the building for elevators, lifts, ramps, enlarged doorways or turning areas or other comparable facilities designed in accordance with all applicable barrier-free code requirements and that such exemption is reasonably necessary to provide for barrier-free access to the building. The foregoing shall not be construed to prohibit the use of such floor area for access to buildings by persons that are not disabled.

(2) Only one such exemption shall apply to any principal building.

(3) The exempted floor area must meet all other applicable requirements of this chapter.

(4) The Zoning Officer shall make the final determination concerning whether such floor area qualifies for the exemption set forth in this subsection.

L. Trademark or prototypical designs. The use of trademarks and/or prototypical designs of roofs, facades, windows, doors, awnings, signs, lights and other improvements shall be permitted after approval in accordance with the provisions of this chapter; provided, however, that the use of such marks and designs shall not, by itself, be accepted as satisfaction of the requirements for relief from any provision of this chapter. **[Added 12-14-2011 by Ord. No. 3323]**

§ 190-120. Environmental provisions.

All development within the Village of Ridgewood shall be designed to prevent any adverse impact to the man-made or natural environments, and if prevention is not reasonably possible, development shall be designed to mitigate such impacts. The development of lands having environmental constraints is permitted as regulated herein; however, development of environmentally constrained land is not to be encouraged but is permitted if each application for development complies with the following standards, notwithstanding any other requirement of this chapter.

A. Stormwater runoff. **[Amended 3-8-2006 by Ord. No. 2983; 1-17-2007 by Ord. No. 3035]**

(1) All development shall comply with the applicable requirements of § 190-83.

(2) For those developments that do not require site plan or subdivision approval, a permit shall be required for any development or work involving a new building, an addition to an existing building, swimming pools or any other site improvements resulting in an increase of at least 200 square feet of impervious surface area per lot. The following shall apply:

(a) The applicant shall be required to submit a site grading and stormwater control plan to the Village of Ridgewood Department of Public Works, Engineering Division, with the application form available from the Engineering Division.

(b) The information required by § 190-67N shall be provided on the plan.

(c) The plan submitted for the permit shall be prepared by a licensed New Jersey professional engineer, with appropriate signature and seal; provided, however, that the Village Engineer may waive this requirement if in his/her judgment the services of a professional engineer are unnecessary to adequately address the drainage impacts from the development.

B. Soil erosion and sedimentation control. All developments in all zones shall protect streams, lakes and

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ponds from sedimentation damage and shall prepare a soil erosion and sediment control plan if required by N.J.S.A. 4:24-39 et seq.

C. Flood hazard areas. There is hereby created within the Village special flood hazard areas as identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Bergen County, New Jersey," revised and to be effective September 30, 2005, with accompanying Flood Insurance Rate Maps. Said maps are hereby adopted by reference and declared to be part of this chapter. Said maps are available in the Village offices. The Flood Insurance Study is on file with the Director of the Department of Public Works. The following provisions shall apply to such areas: **[Amended 11-10-1998 by Ord. No. 2649; 7-13-2005 by Ord. No. 2945]**

(1) The uses permitted within any flood hazard area are those uses permitted and regulated by this article of the zone district in which the area may be located, as such zone districts are set forth and delineated on the Zone Map.

(2) No part of the floodway, as indicated by the Flood Insurance Rate Maps, shall be located within the usable area of the lot, as defined by this chapter. **[Amended 7-18-2001 by Ord. No. 2744]**

(3) The required minimum lot area shall be increased above that which would otherwise be required for the use in the respective zone district by 50% of the area of the special flood hazard area located within the usable area of the lot, as defined by this chapter. **[Amended 7-18-2001 by Ord. No. 2744]**

D. Wetlands. No more than 10% of the usable area of a lot, as defined by this chapter, shall be occupied by wetlands or wetland transition areas, as such wetlands or transition areas are indicated by a Letter of Interpretation or presence/absence letter from the New Jersey Department of Environmental Protection and as adjusted through the grant of various permits and approvals by said department. **[Amended 7-18-2001 by Ord. No. 2744]**

E. Steep slopes. The purpose of this subsection is to regulate the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land. Disturbance of steep slopes results in accelerated erosion processes from stormwater runoff and the subsequent sedimentation of water bodies with the associated degradation of water quality and loss of aquatic life support. Related effects include soil loss, changes in natural topography and drainage patterns, increased flooding potential, further fragmentation of forest and habitat areas, and compromised aesthetic values. The following requirements shall apply: **[Amended 7-18-2001 by Ord. No. 2744; 11-9-2009 by Ord. No. 3225]**

(1) Disturbance of steep slopes prohibited. In accordance with the State of New Jersey's Water Quality Management Planning Rules at N.J.A.C. 7:15, no disturbance of steep slopes shall be permitted, except as permitted herein. The following provisions shall apply:

(a) Definitions. For the purposes of interpreting and administering the disturbance restrictions in this Subsection E, the following definitions shall apply:

DISTURBANCE — The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

IMPERVIOUS SURFACE — Any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

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REDEVELOPMENT — The construction of structures or improvements on areas which previously contained structures or other improvements.

STEEP SLOPE — Any slope equal to or greater than 20% as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less. The percent of slope (rise in feet per horizontal distance in feet) shall be established by measurement of distance perpendicular to the contour of the slope. The percent of slope shall be calculated for each two-foot contour interval. For example, any location on the site where there is a one-foot rise over a ten-foot horizontal run constitutes a ten-percent slope; a 1.5-foot rise over a ten-foot horizontal run constitutes a fifteen-percent slope; a two-foot rise over a ten-foot horizontal run constitutes a twenty-percent slope.

(b) Exceptions. The disturbance of steep slopes shall only be permitted for the following activities. Determination of the following exceptions shall be made by the reviewing agency, with the applicant having the burden of proof.

[1] Redevelopment within the limits of impervious surfaces existing on the effective date of Ordinance No. 3225 (amending this Subsection E);

[2] New disturbance necessary to protect the public health, safety or welfare, such as but not limited to necessary linear development for access or utilities when no feasible alternative exists to such disturbance;

[3] New disturbance necessary to provide an environmental benefit, such as but not limited to remediation of a contaminated site;

[4] New disturbance necessary to prevent extraordinary hardship on the property owner peculiar to the property; or

[5] New disturbance necessary to prevent extraordinary hardship, provided that the hardship was not created by the property owner. For purposes of interpreting and administering this provision, "extraordinary hardship" shall be construed to mean that the steep slope disturbance is necessary to provide a minimal, economically viable use of the property based upon reasonable investment.

(2) Usable area limitations. The amount of steep slopes located within the usable area of a lot, as defined by this chapter, shall be limited as follows:

(a) No more than 50% of the usable area of a lot, as defined by this chapter, shall have ten-percent slopes or greater.

(b) No more than 35% of the usable area of a lot, as defined by this chapter, shall have fifteen-percent slopes or greater.

(c) No more than 20% of the usable area of a lot, as defined by this chapter, shall have twenty-five-percent slopes or greater.

F. Groundwater protection.

(1) No building or structure shall be erected in any zone district of the Village within 50 feet of any well, infiltration gallery, spring or similar source of groundwater now or hereafter developed for a public water supply system, as such system is defined by this chapter.

(2) No sewer or line carrying sanitary or industrial wastes located within 100 feet of any well,

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infiltration gallery, spring or similar source of groundwater now or hereafter developed for a public water supply system may be installed in any zone district of the Village unless the same shall be of steel, reinforced concrete, cast iron or other suitable material, properly protected and of completely watertight construction and otherwise constructed in accordance with Rules and Regulations for the Preparation and Submission of Plans for Public Water Supply Systems and Water Treatment Plants, now or hereafter issued by the State Department of Health.

(3) No manholes or connections on a sanitary sewer system shall be permitted within 100 feet of any well now or hereafter developed for a public water supply system in any zone district of the Village.

G. Performance standards. The following conditions and requirements shall be complied with:

(1) All activities shall be carried on only in structures which conform to the minimum safety standards of the National Board of Fire Underwriters or the Village building code or fire ordinance governing the permitted use, whichever may be more restrictive. All operations shall be carried on and explosive materials, fuels, liquids and finished products shall be stored in accordance with the standards of the National Board of Fire Underwriters.

(2) Any use permitted by this article shall only be permitted if it shall comply with all applicable federal and state safety laws, rules and regulations.

(3) No uses permitted by this article shall result in the dissemination of smoke, fumes, gas, dust, odors or any other atmospheric pollutant beyond the boundary lines of the lot occupied by such use.

(4) There shall be no vibration beyond the boundary lines of the lot on which is conducted any use permitted by this article.

(5) Noise. All uses shall comply with the applicable provisions of the State of New Jersey's Noise Control Regulations at N.J.A.C. 7:29. **[Amended 11-9-2009 by Ord. No. 3225]**

(6) Anything in this article to the contrary not withstanding, no use shall be permitted which shall discharge an industrial waste into any municipal sanitary sewer system without written approval of the Department of Public Works, and no such waste shall be treated on any premises.

H. Riparian zones. In accordance with the State of New Jersey's Water Quality Management Planning Rules at N.J.A.C. 7:15, this subsection designates riparian zones and regulates land use and development within such zones. The following provisions shall apply: **[Added 11-9-2009 by Ord. No. 3225]**

(1) Purposes. The specific purposes and intent of this subsection are to:

(a) Restore and maintain the chemical, physical, and biological integrity of the water resources of the Village of Ridgewood;

(b) Prevent excessive nutrients, sediment, and organic matter, as well as biocides and other pollutants, from reaching surface waters by optimizing opportunities for filtration, deposition, absorption, adsorption, plant uptake, biodegradation, and denitrification, which occur when stormwater runoff is conveyed through vegetated buffers as stable, distributed flow prior to reaching receiving waters;

(c) Provide for shading of the aquatic environment so as to moderate temperatures, retain

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more dissolved oxygen, and support a healthy assemblage of aquatic flora and fauna;

(d) Provide for the availability of natural organic matter (leaves and twigs) and large woody debris (trees and limbs) that provide food and habitat for aquatic organisms (insects, amphibians, crustaceans, and small fish), which are essential to maintain the food chain;

(e) Increase stream bank stability and maintain natural fluvial geomorphology of the stream system, thereby reducing stream bank erosion and sedimentation and protecting habitat for aquatic organisms;

(f) Maintain base flows in streams and moisture in wetlands;

(g) Control downstream flooding; and

(h) Conserve the natural features important to land and water resources, e.g., headwater areas, groundwater recharge zones, floodways, floodplains, springs, streams, wetlands, woodlands, and prime wildlife habitats.

(2) Definitions. For the purposes of interpreting and administering the riparian zone provisions in this Subsection H, the following definitions shall apply:

ACID-PRODUCING SOILS — Soils that contain geologic deposits of iron sulfide minerals (pyrite and marcasite) which, when exposed to oxygen from the air or from surface waters, oxidize to produce sulfuric acid. Acid-producing soils, upon excavation, generally have a pH of 4.0 or lower. After exposure to oxygen, these soils generally have a pH of 3.0 or lower. Information regarding the location of acid-producing soils in New Jersey can be obtained from local Soil Conservation District offices.

CATEGORY ONE WATER(s) — Waters designated as "C1 waters" in the Surface Water Quality Standards, N.J.A.C. 7:9B.

DISTURBANCE — The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

HUC-14 WATERSHED — An area within which water drains to a particular receiving surface water body, also known as a "subwatershed," which is identified by a fourteen-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

IMPERVIOUS SURFACE — Any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

REDEVELOPMENT — The construction of structures or improvements on areas which previously contained structures or other improvements.

RIPARIAN ZONE — The land and vegetation within and directly adjacent to all surface waters, including, but not limited to, lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin, such as seeps and springs, as shown the New Jersey Department of Environmental Protection’s GIS hydrography coverages.

STEEP SLOPES — Any slope equal to or greater than 20% as measured over any minimum run of 10 feet.

THREATENED OR ENDANGERED SPECIES — Species designated as "threatened" or "endangered" on the list defining the status of indigenous nongame wildlife species of New

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Jersey, promulgated pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq., at N.J.A.C. 7:25-4.17. "Endangered species" also includes any species or subspecies of wildlife appearing on any federal endangered species list pursuant to the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq.

TROUT MAINTENANCE WATER — A section of water designated as trout maintenance in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

TROUT PRODUCTION WATER — A section of water identified as trout production in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

(3) Delineation of riparian buffer zones. The riparian zones and their widths within the Village of Ridgewood shall be as follows:

(a) The riparian zone is 300 feet wide along both sides of any Category One water, and all upstream tributaries situated within the same HUC-14 watershed;

(b) The riparian zone is 150 feet wide along both sides of the following waters not identified in Subsection H(3)(a) above:

[1] Any trout production water and all upstream waters (including tributaries);

[2] Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;

[3] Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the regulated water for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and

[4] Any segment of a water flowing through an area that contains acid-producing soils.

(c) The riparian zone is 50 feet wide along both sides of all waters not subject to Subsection H(3)(a) or (b) above.

(d) The portion of the riparian zone that lies outside of a surface water is measured landward from the top of bank. If a discernible bank is not present along a surface water, the portion of the riparian zone outside the surface water is measured landward as follows:

[1] Along a linear fluvial water, such as a stream or swale, the riparian zone is measured landward of the feature's center line;

[2] Along a nonlinear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;

[3] Along an amorphously shaped feature, such as a wetland complex, through which a water flows but which lacks a definable channel, the riparian zone is measured landward of the feature's center line.

(e) For areas adjacent to surface water bodies for which the floodway has been delineated per the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-3 or the state's adopted

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floodway delineations, the riparian zone shall cover the entire floodway area or the area described in Subsection H(3)(a) or (b) above, whichever area has the greatest extent.

(f) The applicant shall be responsible for the initial determination of the presence and extent of a riparian zone on a site and for identifying the area on any plan submitted to the Village of Ridgewood. The applicant's initial determination shall be subject to review and approval by the Village Engineer, Construction Official, Planning Board, Board of Adjustment or Village Council, as applicable, or their appointed representatives, and, where required, by the New Jersey Department of Environmental Protection.

(4) Applicability. A riparian zone is an overlay to the existing zoning districts. The provisions of the underlying district shall remain in full force except where the provisions of the riparian zone differ from the provisions of the underlying district, in which case the provision that is more restrictive shall apply. These provisions apply to land disturbances resulting from or related to any activity or use requiring a construction permit, zoning permit, soil movement permit, retaining wall permit, site plan, subdivision or variance or to any disturbance within or adjacent to a riparian zone. Compliance with the requirements of this subsection shall not relieve any person from the requirement to obtain any and all other approvals that may be required from other governmental agencies, including but not limited to the Department of Environmental Protection.

(5) Regulated activities. No new construction, development, use, activity, encroachment, or structure shall take place in a riparian zone, and riparian zones shall be protected from avoidable disturbance, except as otherwise permitted below or as may be excepted in Subsection H(6) below, except as specifically authorized in this section.

(a) Uses permitted in riparian zones. Riparian zone areas shall remain in a natural condition or, if in a disturbed condition, including agricultural activities, at the time of adoption of these riparian zone regulations, may be restored to a natural condition. There shall be no clearing or cutting of trees and brush, except for removal of dead vegetation and pruning for reasons of public safety or for the replacement of invasive species with indigenous species. There shall be no altering of watercourses, dumping of trash, soil, dirt, fill, vegetative or other debris, regrading or construction. The following uses are permitted either by right or after review and approval by the Village and/or other governmental entities in riparian zones, as set forth elsewhere in this chapter or as otherwise required by law:

[1] Open space uses that are primarily passive in character shall be permitted by right to extend into a riparian zone, provided that near stream vegetation is preserved. Such uses include wildlife sanctuaries, nature preserves, forest preserves and similar uses operated for the protection and propagation of wildlife, but excluding structures. Such uses also include passive recreation areas of public and private parklands, including unpaved hiking, bicycle and bridle trails, provided that said trail have been stabilized with pervious materials.

[2] Fences, for which a permit has been issued by the Construction Code Official, to the extent required by applicable law, rule or regulation.

[3] Crossings by recreational trails, roads, railroads, stormwater lines, sanitary sewer lines, water lines and public utility transmission lines, provided that the land disturbance is the minimum required to accomplish the permitted use, subject to approval by the Zoning Officer, Planning Board or Board of Adjustment, as

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applicable, Village Council and/or other governmental agency having jurisdiction, provided that any applicable state permits are acquired, and provided that the area of the crossing is stabilized against significant erosion due to its use as a crossing.

[4] Stream bank stabilization or riparian reforestation or wetlands mitigation projects that have been approved by the New Jersey Department of Environmental Protection.

(b) Performance standards for riparian zones. The following conditions shall apply:

[1] All development shall be designed to provide sufficient areas outside of the riparian zone to accommodate primary structures, any normal accessory uses appurtenant thereto, as well as all planned lawn areas.

[2] All stormwater shall be discharged outside of but may flow through a riparian zone and shall comply with the Standard for Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. (see N.J.A.C. 2:90-1.3). If stormwater discharged outside of and flowing through a riparian zone cannot comply with the Standard for Off-Site Stability, then the proposed stabilization measures must meet the requirements of the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-10.2 et seq. and have an approved flood hazard area permit.

[3] When disturbance is permitted within a riparian zone, such disturbance shall be restored with the planting of vegetation. The restoration plantings shall be comprised of native and noninvasive tree and plant species to the maximum extent practicable.

(c) Nonconforming structures and uses in riparian zones. Nonconforming structures and uses of land within the riparian zone are subject to the following requirements:

[1] Legally existing nonconforming structures or uses may be continued, unless such uses or structures have been abandoned.

[2] Encroachment within the riparian zone shall only be allowed where previous development or disturbance has occurred and shall be in conformance with the Stormwater Management rules, N.J.A.C. 7:8, and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.

[3] Existing impervious cover shall not be increased within the riparian zone as a result of encroachments where previous development or disturbances have occurred.

(d) Uses prohibited in riparian zones. Any use or activity not specifically authorized by this Subsection H shall be prohibited within the riparian zone. By way of example, the following activities and facilities are prohibited:

[1] Removal or clear-cutting of trees and other vegetation or soil disturbance such as grading, except for selective vegetation removal for the purpose of stream or riparian area stabilization or restoration projects that require vegetation removal or grading prior to implementation.

[2] Storage of any hazardous or noxious materials.

[3] Use of fertilizers, pesticides, herbicides, and/or other chemicals not in compliance with Chapter 187 of the Village Code, in excess of prescribed industry standards or

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contrary to the recommendations of the Soil Conservation District.

[4] Roads or driveways, except where permitted in compliance with this Subsection H.

[5] Motor or wheeled vehicle traffic in any area, except as permitted by this Subsection H.

[6] Parking lots.

[7] Any type of permanent structure, except structures needed for a use permitted by this Subsection H.

[8] New subsurface sewage disposal system areas. The expansion and replacement of existing subsurface sewage disposal system areas for existing uses is permitted.

[9] Residential grounds or lawns, except as otherwise permitted pursuant to this Subsection H.

(6) Exceptions. The disturbance of riparian buffer zones shall only be permitted for the following activities. Determination of the following exceptions shall be made by the reviewing agency, with the applicant having the burden of proof.

(a) Redevelopment within the limits of impervious surfaces existing on the effective date of Ordinance No. 3225 (adopting this Subsection H);

(b) New disturbance necessary to protect the public health, safety or welfare, such as but not limited to necessary linear development for access or utilities when no feasible alternative exists to such disturbance;

(c) New disturbance necessary to provide an environmental benefit, such as but not limited to remediation of a contaminated site;

(d) New disturbance necessary to prevent extraordinary hardship on the property owner peculiar to the property; or

(e) New disturbance necessary to prevent extraordinary hardship, provided that the hardship was not created by the property owner. For purposes of interpreting and administering this provision, "extraordinary hardship" shall be construed to mean that the steep slope disturbance is necessary to provide a minimal economically viable use of the property based upon reasonable investment.

I. Privately owned deicing material storage facilities. **[Added 9-13-2023 by Ord. No. 3962]**

(1) Purpose. The purpose of this subsection is to prevent stored salt and other solid deicing materials from being exposed to rainwater, which can result in runoff contamination entering the storm water collection system. This subsection establishes requirements for the storage of salt and other solid deicing materials on private properties in the Village of Ridgewood, including residences, to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

(2) Definitions. For the purpose of this subsection, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number,

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and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

DEICING MATERIALS — Any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow and/or ice.

IMPERVIOUS SURFACE — Any surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

PERMANENT STRUCTURE — A permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures shall require a door or other means of sealing the access way from wind driven rainfall). A fabric frame structure is a permanent structure if it meets the following specifications:

(a) Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of deicing materials;

(b) The design shall prevent storm water run-on and run-through, and the fabric cannot leak;

(c) The structure shall be erected on an impermeable slab;

(d) The structure cannot be open sided; and

(e) The structure shall have a roll up door or other means of sealing the access way from wind-driven rainfall.

PERSON — Any individual, corporation, company, entity, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

RESIDENT — A person who resides on a residential property where deicing material is stored.

STORM DRAIN INLET — The point of entry into the storm sewer collection system.

(3) Deicing material storage requirements.

(a) Temporary outdoor storage of deicing materials in accordance with the requirements below is allowed between October 15 and April 15.

[1] Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;

[2] Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

[3] Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;

[4] Loose materials shall be covered as follows:

[a] The cover shall be waterproof, impermeable, and flexible;

[b] The cover shall extend to the base of the pile(s);

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[c] The cover shall be free from holes or tears;

[d] The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and

[e] Weights shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

[i] Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets, provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used.

[5] Containers must be sealed when not in use; and

[6] The site shall be free of all deicing materials between April 16 and October 14.

(b) Deicing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose deicing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 through April 15.

(c) All such temporary and/or permanent structures must also comply with any and all other Village of Ridgewood ordinances, including building and zoning regulations.

(d) The property owner, or owner of the deicing materials, if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this subsection are met. Inspection records shall be kept on site and made available to the municipality upon request.

[1] Residents who operate businesses from their homes that utilize deicing materials are required to perform weekly inspections.

(4) Exemptions.

(a) Residents may store deicing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the deicing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within two weeks.

(b) If containerized (in bags or buckets) deicing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Subsection I(3) above. Piles of deicing materials are not exempt, even if stored in a permanent structure.

(c) This ordinance does not apply to facilities where the stormwater discharges from deicing material storage activities are regulated under another NJPDES permit.

(5) Enforcement. This ordinance shall be enforced by the Village of Ridgewood Police Department, the Village of Ridgewood Director of the Department of Public Works or their designee, the Village of Ridgewood Code Enforcement Officer, and any individuals so designated by the Village Manager.

(6) Violations and penalties. Any person(s) found to be in violation of the provisions of this

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subsection shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines.

§ 190-121. Off-street parking, loading and circulation.

All parking areas required by this section shall be devoted exclusively to parking of motor vehicles so long as the principal building or use which requires such parking areas continues in existence. No commercial repair or sales, including the sale or rental of new or used motor vehicles by a new or used car dealer or motor vehicle rental agency, nor any storage in connection with the same, shall be permitted within a required parking area. The following provisions shall apply:

A. Number of parking spaces. Off-street parking and loading spaces shall be provided for all uses in accordance with the following standards. Calculations of fractional spaces for residential uses shall be rounded off to the next-highest whole number if the fraction is greater than 0.5 space and to the next-lowest whole number if the fraction is less. Calculations of any fractional spaces for nonresidential uses shall be rounded off to the next-highest whole number. On any properties containing more than one building or use, the calculation of required parking shall be made separately and cumulatively, except as may be provided otherwise by this chapter or other applicable law. **[Amended 6-13-2012 by Ord. No. 3343]**

(1) The minimum number of parking spaces for single-family or two-family dwellings shall be as required by the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 et seq., summarized below (please refer to the standards for the full text):

Bedrooms in Unit	Minimum Number of Parking Spaces Per Unit
2	1.5
3	2.0
4	2.5
5	3.0

NOTE: Of the required number of spaces in the above table, there shall be a minimum of one garage space for each dwelling unit. Such garages shall be a minimum of 20 feet in depth.

(2) The minimum number of parking spaces for single-family attached dwelling units or multifamily dwelling units shall be as required by the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 et seq., summarized below (please refer to the standards for the full text):

Housing Unit Type – Bedrooms in Unit	Minimum Number of Parking Spaces Per Unit
Garden apartment or mid-rise apartment	
1	1.8
2	2.0
3	2.1

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Housing Unit Type – Bedrooms in Unit	Minimum Number of Parking Spaces Per Unit
Single-family attached (townhouse)	
1	1.8
2	2.3
3	2.4

NOTE: Of the required number of spaces in the above table, at least one of every three required spaces shall be located within a garage, and at least one of every three required spaces shall be located outside of any building.

(3) Nonresidential uses shall provide the minimum number of off-street parking spaces as set forth in the following table: **[Amended 2-8-2017 by Ord. No. 3579[75]]**

(a) Houses of worship in any zone: one off-street parking space for every five seats of capacity available for use at the same time, or one space per 75 square feet of gross floor area available for use at the same time, whichever is greater. In instances where pews, bleachers, benches or similar group seating that does not consist of individual seats is employed, each 24 inches of seating platform length shall be considered a "seat" for purposes of determining the minimum number of parking spaces.

(b) Schools providing academic instruction for children between the grades kindergarten through 12 in any zone: one off-street parking space for every four students in attendance at one time, based upon the maximum licensed capacity of the school.

(c) Public utility facilities permitted by this chapter: one off-street parking space for each employee or staff person present at the normal peak staffing period of the facility.

(d) Other nonresidential uses:

Zone District(s)	Minimum Parking Spaces
T	1 per each 200 square feet of gross floor area
B-2, O-B2	1 per each 200 square feet of gross floor area, or 1 per each 250 square feet of gross floor area when parking is shared by two or more abutting uses
C, H, HC, P, P-2 and in residential zone districts	1 per each 250 square feet of gross floor area

75. **Editor's Note: This ordinance also repealed former Subsection A(4) through (8), which immediately followed this subsection.**

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Zone District(s)	Minimum Parking Spaces
OB-1	1 per each 250 square feet of gross floor area for buildings having a gross floor area up to 50,000 square feet, and 1 per each 300 square feet of gross floor area for buildings having a gross floor area greater than 50,000 square feet
B-1, NWSR	1 per each 300 square feet of gross floor area

B. Parking for disabled persons. In any parking lot designed to accommodate the public, a minimum number of designated parking spaces accessible to disabled persons shall be required as follows:

Total Parking Spaces in Lot	Required Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	2% of total
501 to 1,000	20, plus 1 for each 100 over 1,000

C. Shared parking. In the B-1, B-2, OB-1, OB-2, C, HC, P and P2 Districts, the required parking provisions of this section may be met by participating in a joint parking program involving two or more nonresidential uses; provided, however, that plans for such a joint program shall have been approved by the Board or the Site Plan Exemption Committee, as applicable, and subject to the following: **[Amended 4-7-2010 by Ord. No. 3242; 6-13-2012 by Ord. No. 3343]**

(1) The area for the parking facilities shall equal the collective parking area requirements of the participating properties to be served.

(2) The provisions of § 190-121F(1) shall be complied with.

(3) The parking areas shall be devoted exclusively to parking and no other use so long as the principal building or use which makes such parking areas necessary shall continue in existence.

D. Number of loading spaces. For any nonresidential use involving manufacturing, storage, display of goods, retail or wholesale sales or warehousing, market, hospital for humans, laundry, dry cleaning establishment or other use similarly requiring the receipt or distribution of materials or merchandise, there shall be provided and maintained on the same premises with such use at least one off-street loading space.

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E. Exemptions; reserve parking and loading. If any applicant can clearly demonstrate to the Board that, because of the nature of his operation or use, the parking requirements of Subsection A above are unnecessary or excessive, the Board shall have the power to approve a site plan showing less paved parking area than is required by this section; provided, however, that a landscaped area of sufficient size to meet the deficiency shall be set aside and reserved for the purposes of meeting future off-street parking and loading requirements in the event that a change of use of the premises shall make such additional off-street parking or loading spaces necessary.

F. Location of parking and loading areas.

(1) For residential uses, all off-street parking facilities shall be located on the same lot with the building they are serving. For nonresidential uses, all off-street parking facilities shall be located on the same lot with the building they are serving or on other property owned, leased or shared by the applicant, provided that the following are complied with:

(a) At least 50% of the required parking spaces shall be on property located within 500 feet of any customary entrance way to the principal building or use.

(b) No required parking spaces shall be located further than 1,000 feet from any customary entranceway to the principal building or use.

(2) The required yard locations and setbacks for off-street parking and loading areas are set forth below, provided that where shared parking arrangements are permitted by this chapter, no minimum setback for parking areas shall be required where shared parking areas abut one another at the property line.

(a) In all R-125, R-110, R-1, R-2 and R-3 Districts and in other districts, vehicle parking for single-family detached and two-family dwelling units shall be permitted in any yard, but shall be prohibited in the front yard area except on the driveway.

(b) In the R-1A and R-2A Districts, parking areas serving single-family attached or multifamily residences permitted as a conditional use may be located in any yard pursuant to a plan approved by the Board.

(c) In the R-4 and R-5 Districts, parking areas may be located in the side or rear yard. **[Amended 4-7-2010 by Ord. No. 3242]**

(d) In the R-7 District, parking areas may be located in any yard. Parking areas located in the front yard shall be set back at least 25 feet from the front lot line.

(e) In the B-1, B-2, C, P and P-2 Zone Districts, parking areas are permitted in the front, side or rear yards. Parking areas in the front yard shall be set back from the front lot line at least 1/2 of the minimum required front yard setback. In the B-1, B-2, P and P-2 Zones, all parking areas in any yard shall be set back at least five feet from all other lot lines, except where such parking areas are connected with other parking areas as part of a shared parking facility as permitted by this section.

(f) In the OB-1 Zone District, parking areas permitted in the front, side and rear yards. Parking areas in the front yard shall be set back from the front lot line at least 12 feet, or 14 feet where vehicle overhangs are provided along the periphery of a parking area. Parking areas in the side yard shall be set back at least five feet from any building. Parking areas in the rear yard shall be set back at least 25 feet from any abutting residential zone district boundary line, provided that where a solid unpierced masonry wall is constructed as

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permitted by this chapter, the parking area need only be set back from the wall at least five feet, or seven feet where vehicles overhang the periphery of the parking area.

(g) In the OB-2 Zone District, parking areas are permitted in the side or rear yards and shall be set back at least five feet from the side and rear lot lines.

(h) In the H Zone District, parking areas shall be permitted in the front, side and rear yards, and shall be set back at least 15 feet from all lot lines, except when adjacent to a residential zone as otherwise provided in the H District regulations.

(i) In the T Zone District, parking areas shall be permitted in the front and side yards. Parking areas shall be set back at least 20 feet from the front lot line, and at least five feet from all other lot lines; provided, however, in the circumstances described in § 190-118B(5) above, parking areas shall be set back at least 10 feet from a front lot line that is located on the opposite side of the street from a property used for residential purposes, at least two feet from a front lot line that is located on the opposite side of the street from a property used for nonresidential purposes, and at least 24 feet from all other lot lines. **[Amended 7-16-2003 by Ord. No. 2830]**

(j) Loading areas shall be located on the same property as the use to which they are accessory and shall be located in the side or rear yard. Loading spaces shall be set back at least five feet from any side or rear lot line or shall comply with the required setback for parking areas, whichever is more restrictive. A loading space may be located in a parking area in the side or rear yard, provided that the loading and parking movements and operations do not interfere with each other. **[Amended 6-10-1997 by Ord. No. 2606; 6-13-2012 by Ord. No. 3343]**

(k) In the HC Zone District, parking areas shall be permitted in any yard but shall be located at least the following distances from lot lines and street rights-of-way: **[Added 6-13-2012 by Ord. No. 3343]**

[1] Ten feet from the Route 17 right-of-way, including ramp rights-of-way.

[2] Forty feet from Linwood Avenue.

[3] Fifty feet from Paramus Road.

[4] Thirty feet from a residential zone boundary.

[5] Ten feet from other property lines.

G. Driveways.

(1) No driveway shall be permitted to serve any use other than the permitted use on the lot upon which such driveway is located, except when such driveway is part of a joint parking facility permitted by § 190-121C or such driveway is located in the T Zone District and services a lot in an abutting nonresidential district. Driveways serving garden apartments in the R-4 Zone shall be located in the same R-4 Zone. **[Amended 4-7-2010 by Ord. No. 3242]**

(2) Entrances to and exits from parking and loading areas and other driveways for nonresidential uses shall be located no closer than 10 feet from any property located in a residential zone, or such greater setback required for parking areas or by buffer requirements, whichever is most restrictive, measured from the property line to the curb face or edge of pavement of the

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driveway, excluding curb returns at entrances. **[Amended 6-13-2012 by Ord. No. 3343]**

(3) In all R-125, R-110, R-1, R-2 and R-3 Zone Districts and in any district where a lot is used for a single-family detached or two-family dwelling, no driveway shall have a width exceeding 1/5 of the width of such lot, up to a maximum width of 25 feet; provided, however, that where otherwise lawful, no driveway shall be required to be fewer than 10 feet wide. On corner lots, the lot width used for making the above calculation shall be that side of the lot through which the driveway provides access to the street. **[Amended 6-10-1997 by Ord. No. 2606]**

(4) All developments shall comply with the standards of the state highway access management code adopted by the Commissioner of the Transportation in the case of a state highway, with the standards of any access management code adopted by the county in the case of a county road or highway, and with the standards of any Village access management code adopted in the case of a Village street or highway.

§ 190-121.1. Electric vehicle supply/service equipment. [Added 12-8-2021 by Ord. No. 3879]

A. Purpose. The purpose of this section is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and make-ready parking spaces through municipal parking regulations and other standards. EVSE and make-ready parking spaces will support the state's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and stormwater runoff contaminants. The goals are to:

(1) Provide adequate and convenient EVSE and make-ready parking spaces to serve the needs of the traveling public.

(2) Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.

(3) Provide the opportunity for nonresidential uses to supply EVSE to their customers and employees.

(4) Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

CHARGING LEVEL — The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

(1) Level 1 operates on a fifteen- to twenty-amp breaker on a 120-volt AC circuit.

(2) Level 2 operates on a forty- to 100-amp breaker on a 208- or 240-volt AC circuit.

(3) Level 3: Direct-current fast charger (DCFC) operates on a sixty-amp or higher breaker on a 480-volt or higher three-phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial-grade electrical outlets that allow for faster recharging of electric vehicles.

ELECTRIC VEHICLE — Any vehicle that is licensed, insured, and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

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ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT or EVSE — The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. EVSES may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

MAKE-READY PARKING SPACE — The pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of electric vehicle supply equipment or electric vehicle service equipment, including, but not limited to, Level Two EVSE and direct-current fast chargers. Make ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate electric vehicle supply equipment or electric vehicle service equipment on a "plug and play" basis. "Make-ready" is synonymous with the term "charger ready," as used in P.L. 2019, c. 362 (N.J.S.A. 48:25-1 et seq.).

PRIVATE EVSE — EVSE that has restricted access to specific users (e.g., single- and two-family homes, executive parking fleet parking with no access to the general public).

PUBLICLY ACCESSIBLE EVSE — EVSE that is publicly available (e.g., park and ride, public parking lots and garages, on-street parking, shopping center parking, nonreserved parking in multi-family parking lots, etc.).

C. Approvals and permits.

(1) An application for development submitted solely for the installation of EVSE or make-ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts in the Village of Ridgewood and shall not require a variance pursuant to N.J.S.A. 40:55D-70.

(2) EVSE and make-ready parking spaces installed pursuant to Subsection D below in development applications that are subject to site plan approval are considered a permitted accessory use as described in Subsection C(1), above.

(3) All EVSE and make-ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.

(4) As per § 190-134, Power to enforce, the Zoning Officer or Village Engineer and Public Works Director or their designee, as applicable, shall enforce all signage and installation requirements described in this section. Failure to meet the requirements in this section shall be subject to the same enforcement and penalty provisions as other violations of the Village of Ridgewood's land development regulations.

(5) An application for development for the installation of EVSE or make-ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to N.J.S.A. 40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:

(a) The proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the

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existing gasoline service station, retail establishment, or other existing building;

(b) All other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and

(c) The proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.

(6) An application pursuant to Subsection C(5), above, shall be deemed complete if:

(a) The application, including the permit fee and all necessary documentation, is determined to be complete;

(b) A notice of incompleteness is not provided within 20 days after the filing of the application; or

(c) A one-time written correction notice is not issued by the Zoning Officer, or the individual in the capacity of acting Zoning Officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.

(7) EVSE and make-ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or New Jersey Department of Community Affairs inspection requirements.

(8) A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

D. Requirements for new installation of EVSE and make-ready parking spaces.

(1) As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:

(a) Prepare as make-ready parking spaces at least 15% of the required off-street parking spaces, and install EVSE in at least 1/3 of the 15% of make-ready parking spaces;

(b) Within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional 1/3 of the original 15% of make-ready parking spaces; and

(c) Within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final 1/3 of the original 15% of make-ready parking spaces.

(d) Throughout the installation of EVSE in the make-ready parking spaces, at least 5% of the electric vehicle supply equipment shall be van-accessible for people with disabilities.

(e) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or make-ready parking spaces at a faster or more expansive rate than as required above.

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Minimum Number of Required Make-Ready Parking Spaces For Uses Listed in Subsection D(1), above Quick Reference Table	
Minimum Number of Make-Ready Spaces	**Minimum EVSE Installations**
15% of the required off-street parking spaces	Install EVSE in at least 1/3 of the 15% make-ready spaces
Within 3 years of the original C of O	Install EVSE in an additional 1/3 of the 15% make-ready spaces
Within 6 years of the original C of O	Install EVSE in the final 1/3 of the 15% make-ready spaces
Throughout the installation of EVSE in the make-ready parking spaces	At least 5% of the installed EVSE equipment shall be ADA accessible

(2) As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in Subsection D(1) above shall:

(a) Install at least one make-ready parking space if there will be 50 or fewer off-street parking spaces.

(b) Install at least two make-ready parking spaces if there will be 51 to 75 off-street parking spaces.

(c) Install at least three make-ready parking spaces if there will be 76 to 100 off-street parking spaces.

(d) Install at least four make-ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.

(e) Install at least 4% of the total parking spaces as make-ready parking spaces, at least 5% of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.

(f) In lieu of installing make-ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.

(g) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or make-ready parking spaces at a faster or more expansive rate than as required above.

(h) Notwithstanding the provisions of Subsection D above, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or make-ready parking spaces.

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Minimum Number of Required Make-Ready Parking Spaces For Uses Not Covered in Subsection D(1) above Quick Reference Table	
Total Number of Parking Spaces Provided	**Minimum Number of Make-Ready Parking Spaces**
≤ 25 spaces	0 spaces
26-50 spaces	1 space
51-75 spaces	2 spaces
76-100 spaces	3 spaces
101-150 spaces	4 spaces with at least 1 ADA accessible space
> 150 spaces	4% of total parking spaces with at least 5% of those to be ADA accessible

(3) Performance guarantees required for phased implementation.

(a) Nothing in this subsection shall be construed to restrict the ability to install EVSE or make-ready parking spaces at a faster or more expansive rate than as required in Subsection D(1) and (2) above.

(b) Implementation of all required EVSE spaces is encouraged to be completed commensurate with the improvements associated with the issuance of certificate of occupancy. Projects that choose to follow the phasing plan will be required to install the minimum EVSE and make-ready spaces and post bounds for the aboveground electric vehicle supply equipment or electric vehicle service equipment required for the project, including, but not limited to, Level Two EVSE and direct-current fast chargers, and installation costs.

(c) Process and requirements for posting bonds can be found in § 190-25, Performance and maintenance guaranties.

E. Minimum parking requirements.

(1) All parking spaces with EVSE and make-ready equipment shall be included in the calculation of minimum required parking spaces. Minimum required spaces, including EVSE and make-ready spaces can be found in § 190-121 of the Ridgewood Land Use and Development regulations.

(2) A parking space prepared with EVSE or make-ready equipment shall count as two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10% of the total required parking.

(3) All parking space calculations for EVSE and make-ready equipment shall be rounded up to the next full parking space.

(4) Additional installation of EVSE and make-ready parking spaces above what is required in Subsection D above may be encouraged, but shall not be required in development projects.

F. Standards for all new EVSE and make-ready parking spaces.

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(1) Location and layout of EVSE and make-ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.

(2) Installation:

(a) Installation of EVSE and make-ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.

(b) Each EVSE or make-ready parking space that is not accessible for people with disabilities shall be not less than nine feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.

(c) To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and make-ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

(d) Each EVSE or make-ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

(3) EVSE parking:

(a) Publicly accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE. The use of time limits is optional and shall be determined by the owner. Applicable time limits shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

(b) Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

(c) Public parking. Pursuant to NJSA 40:48-2, publicly accessible EVSE parking spaces shall be monitored by the Village's Police Department and enforced in the same manner as any other parking. It shall be a violation of this section to park or stand a nonelectric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any nonelectric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be is subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of the Village Code § 1-15, Violations and penalties. Signage indicating the penalties for violations shall comply with Subsection F(5), below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.

(d) Private parking. The use of EVSE shall be monitored by the property owner or designee.

(4) Safety design standards.

(a) Each publicly accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted striping and/or curb markings, a

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green painted charging pictograph symbol, and appropriate signage pursuant to Subsection F(5) below.

(b) Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with the Village of Ridgewood's ordinances and regulations.

(c) Adequate EVSE protection such as decorative concrete-filled steel bollards shall be used for publicly accessible EVSE. Nonmountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards shall be three to four feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.

(d) EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, unless in a Flood Hazard Area, then they shall be installed in accordance with the National Electrical Code (NEC). Outlets and connector devices shall contain a cord management system as described in Subsection F(4)(e) below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.

(e) Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.

(f) Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

(g) Publicly accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A twenty-four-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, the Village of Ridgewood shall require the owners/designee of publicly accessible EVSE to provide the Office of the Village Clerk and the Department of Public Works information on the EVSE's geographic location (street address and lot/block designation), GPS coordinates, date of installation, equipment type and model, and owner contact information.

(5) Signs.

(a) Publicly accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from, the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.

(b) All regulatory signs shall comply with visibility, legibility, size, shape, color, and

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reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices (MUTCD) as published by the Federal Highway Administration.

(c) Way finding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with Subsection F(5)(b) above.

(d) In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly accessible EVSE parking spaces in readily eligible font and language:

[1] Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the Village of Ridgewood or owner/designee;

[2] Usage fees and parking fees, if applicable; and

[3] Contact information (telephone number) for reporting when the equipment is not operating or other problems.

(6) Usage fees.

(a) For publicly accessible municipal EVSE: All municipal parking fees shall apply to all EVSE and make-ready spaces.

(b) In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be collected for each hour that the electric vehicle is connected to the EVSE, or per kWh. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space. Fees shall not exceed $2 per hour of charging usage.

(c) Private EVSE: Nothing in this section shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable state and federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

§ 190-122. Signs.

A. Required permits and approvals. No sign shall be constructed or displayed unless a sign permit shall have been issued in accordance with the provisions of § 190-97C. No permanent freestanding sign shall be permitted until a site plan for the sign is approved by the Planning Board. Notwithstanding the above, the following signs are exempt from the requirement to obtain permits or site plan approval, but such signs shall comply with the regulations in Subsection H below:

(1) Signs for residential uses permitted by § 190-122C(1).

(2) Professional nameplates affixed to the door or adjacent wall of premises so used.

(3) Memorial signs or tablets or signs indicating the name of a building or the date of its erection when cut into any masonry surface or when constructed of bronze or other incombustible material.

(4) The following signs, customary and necessary to the operation of filling and service stations:

(a) Lettering on buildings displayed over individual entrance doors consisting of the words

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"washing," "lubrication," "repairing" or words of similar import.

(b) Lettering or other insignia which are a structural part of a gasoline pump, consisting only of a brand name, lead warning sign and other signs as required by law.

(c) Credit card signs.

(d) A sign attached to each gas pump, with the price of the product, as required by law.

(e) Movable freestanding signs specifically advertising the price of fuel.

(5) Signs for public convenience and welfare erected by or on behalf of the United States, the state, the county and the Village, traffic signs in private ways and parking lots, legal notices, railroad crossing signs or other similar signs as required by law.

(6) Temporary signs, necessary in connection with the erection of buildings or other construction work.

(7) The interior contents of lawfully permitted signs specifically designed to be changed from time to time, such as church announcement boards, theater marquees, restaurant menus and the like, whether freestanding or attached to a building wall.

(8) Temporary, nonilluminated, political signs advancing the candidacy for elective office of any candidate or group of candidates or a cause subject to political judgment. **[Added 9-7-2016 by Ord. No. 3540]**

B. General sign regulations.

(1) General prohibitions. Without limiting the generality of this section, the following are prohibited:

(a) Billboard or billboard signs, except display signs ordinarily or customarily erected on the premises of a railroad station or on the railroad right-of-way in the vicinity of such station. No sign otherwise lawful under this section shall be prohibited because of this provision.

(b) Signs placed or located or displayed upon or within any traveled way, pedestrian or vehicular, public or private, unless affixed to the wall of a building and located above the traveled way; provided, however, that this prohibition shall not apply to temporary portable signs permitted by and conforming with § 190-122H(9). No sign otherwise lawful under this section shall be prohibited because of this provision. **[Amended 12-14-2016 by Ord. No. 3562]**

(c) Roof signs, known also as a "sky sign."

(d) Signs projecting on or over a sidewalk, except signs commonly known as "barber poles," ordinarily and customarily used in connection with barbershops.

(e) Freestanding signs or similar devices except as otherwise specifically permitted in this section.

(f) Signs erected or painted or composed of fluorescent or phosphorescent or similar material.

(g) Signs in whole or part moving, mobile or revolving, except for signs commonly known as "barber poles," ordinarily and customarily used in connection with barbershops.

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(h) Strings or streamers of flags, pennants, spinners or other similar devices strung across, upon, over or along any premises or building, whether as a part of any sign or not, except those which shall be specifically permitted by § 190-122E(2)(d)[2] or unless such prohibition has been superseded by the provisions of § 190-122H.

(i) Signs which are unsafe, insecure or a menace to the public.

(j) All temporary signs, including political signs, shall not be permitted to be placed on any publicly owned property, including, but not limited to, municipally owned property, library property, parks, rights-of-way trees, telephone poles, lighting stations, street or traffic signs, tree wells or planters, water utility property, and/or any other such publicly owned property within the Village. **[Added 9-7-2016 by Ord. No. 3540]**

(2) Signs which falsely advertise or identify premises; removal of signs for change of occupancy.

(a) It shall be unlawful for any person to erect, locate, relocate or maintain any sign which falsely identifies the premises or occupant of any premises or building or which falsely advertises for sale on any premises or in any building any product or service not available therein.

(b) Whenever there is a change in occupancy of a building or premises, including any vacancy of such building or premises, the message of any sign or signs which identify or advertise an individual, business, service, product or other item that is no longer present or available in the building or on the premises shall be removed.

(c) The provisions of Subsection B(2)(a) and (b) above shall not be construed to require the removal of any sign structure, except as required by Subsection B(2)(d)[4] or (3)(f) below.

(d) The manner of removal of sign messages shall include but are not limited to the following:

[1] In the case of a sign with a painted message, the sign message shall be painted over to match the background.

[2] In the case of a sign with projecting or movable letters or symbols, the letters and/or symbols shall be removed.

[3] In the case of a sign where the message is contained on a panel that is inserted into the sign frame or structure, the message panel shall be replaced with a blank panel.

[4] In the case of a sign where the message can not be removed without also removing the sign structure, the structure shall be removed unless the owner demonstrates that the sign message could reasonably apply to the next occupant of the building or premises. If the sign message does not accurately identify or advertise the next occupant of the building or premises or any product, service or other item available at the premises, the sign structure shall be removed prior to the issuance of a certificate of occupancy for said occupant.

(3) Nonconforming signs. The following provisions shall apply to any sign which was lawful prior to the adoption, revision or amendment of this chapter, but which fails to conform to the requirements of this chapter by reasons of such adoption, revision or amendment. **[Amended 5-14-2008 by Ord. No. 3115]**

(a) Routine maintenance. Routine maintenance for any nonconforming sign shall be

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permitted, provided that such maintenance shall comply with the provisions of Subsection B(3)(d) below. The term “routine maintenance” is intended to include such activities as cleaning, replacement of light bulbs, removal of rust and corrosion and repainting. Specifically prohibited is the replacement of the sign structure or message, in whole or in part, except for light bulbs and minor parts such as fasteners, etc.

(b) Restoration or repair of partial destruction. Any nonconforming sign existing at the time of the passage of this chapter or any amendment thereto may be continued upon the lot so occupied, and any such sign may be restored or repaired in the event of partial destruction thereof, provided that such restoration or repair shall comply with the provisions of Subsection B(3)(d) below.

(c) (Reserved)

(d) Alterations. The following provisions shall regulate alterations of nonconforming signs:

[1] Alteration of nonconforming sign use. Any sign which is nonconforming because of use shall not be enlarged, extended, relocated or altered in any manner.

[2] Alteration of nonconforming sign structure or sign message. A nonconforming sign structure or sign message may not be altered unless the alteration will result in the sign structure and/or the message, as applicable based upon which feature is altered, conforming in all respects with the provisions of this chapter. Alterations covered by the above provision include but are not limited to alteration of sign area, dimension, height or location; alteration of sign letters, logos, symbols or other design or construction; alteration of any aspect of sign illumination; and alteration of sign material or color.

(e) Reversion to nonconforming sign prohibited. A sign which is a nonconforming use and which is changed to a conforming use may not thereafter be changed back to a nonconforming use. A nonconforming sign structure and/or message which is changed to a conforming structure and/or message may not thereafter be changed back to a nonconforming structure and/or message.

(f) (Reserved)

(g) Subdivisions involving same. No lot containing a nonconforming sign structure shall be subdivided so as to increase the degree or extent of the nonconforming sign condition.

(4) Lighting and illumination. Any sign permitted by the provisions of this chapter or allowed pursuant to a sign exemption granted under § 190-122A may be nonilluminated or nonflashing illuminated, except that real estate signs shall be nonilluminated. Illuminated signs may be directly or indirectly lighted, provided that they comply with the following standards. For the purpose of administering this section, "directly lighted signs" shall be defined as a sign that is illuminated by a light source that shines through the letters or logos from the back of the sign. "Indirectly lighted signs" shall be defined as a sign that is illuminated by a light source that shines directly on the surface of a sign, which light source is designed specifically to illuminate only the sign.

(a) Directly lighted signs.

[1] Illumination of any sign shall be of the diffused lighting type, and only the letters or logos in the sign shall be illuminated.

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[2] No sign shall be lighted by means of flashing or intermittent illumination.

[3] Neon signs, when the neon tube is visible, as well as LED (light-emitting diode) signs and similar signs, when the light source or illumination device is visible, are prohibited unless specifically permitted by this chapter. **[Amended 2-8-2012 by Ord. No. 3327]**

(b) Indirectly lighted signs.

[1] Indirectly lighted signs shall only be permitted where the sources of illumination are shielded in such a manner that the same are not visible from the street or adjoining property.

[2] No sign shall be lighted by means of flashing or intermittent illumination.

[3] Floodlights or spotlights used for the illumination of signs, whether or not such lights are attached to or separate from the building, shall not project light beyond the sign. Gooseneck reflectors and lights shall be permitted; provided, however, that the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

(c) In no instance shall the light intensity of any illuminated sign exceed 75 footcandles measured with a standard light meter measured at any point in front of the sign at a distance that is no greater than the smallest horizontal or vertical dimension of said sign. There shall be no electric conduit located on the exterior facade of a building used to provide electric power to any sign.

(d) The Planning Board or Zoning Board of Adjustment, as appropriate, shall review all signs to be installed that are accessory to any site plan processed by the Board, and the Board shall review and approve the intensity of light of all such signs.

(5) Sign height. The height of a sign shall be computed as set forth in § 190-119D(6). **[Amended 5-14-2008 by Ord. No. 3120]**

C. Signs in the residential zone districts. In all residential zones, the following signs shall be permitted, except as may be provided otherwise by this chapter: **[Amended 4-13-2005 by Ord. No. 2933; 2-8-2012 by Ord. No. 3327; 3-23-2016 by Ord. No. 3493]**

(1) On premises used for residential purposes, a sign or signs identifying the residence, the resident or residents or the street address, or any combination there of. No such sign shall have an area of more than two square feet, nor shall the aggregate square footage of such signs, if there is more than one, exceed three square feet in area.

(2) (Reserved)

(3) On premises used for a permitted institutional use, a sign or signs identifying the use and activities conducted on the premises, which shall comply with the following:

(a) One freestanding sign and one sign affixed to each principal or accessory building shall be permitted.

(b) The maximum area of any sign shall be 30 square feet.

(c) Freestanding signs shall be located at least five feet from any property line and shall be

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located so as to not interfere with safe sight distance at intersections of roadways and driveways.

(d) Freestanding signs shall not exceed a height of 10 feet.

D. Signs in the P, P-2 and T Zone Districts. In the P, P-2 and T Zone Districts, the following signs shall be permitted: **[Amended 2-8-2012 by Ord. No. 3327; 7-12-2024 by Ord. No. 3999]**

(1) A professional office sign affixed to the building and parallel thereto and not extending more than 12 inches therefrom, setting forth the name of the occupant or occupants in the premises and the activities carried on therein, which shall not exceed six square feet in area.

(2) A freestanding sign shall be permitted for any principal use.

(a) The maximum area of any freestanding sign shall be 30 square feet.

(b) Freestanding signs shall be located at least five feet from any property line and shall be located so as to not interfere with safe sight distance at intersections of roadways and driveways.

(c) Freestanding signs shall not exceed a height of 10 feet.

E. Signs in the B-1, B-2 and C districts. Within the B-1, B-2 and C Zone Districts, the following signs shall be permitted:

(1) Content. The only signs permitted shall be a sign or signs advertising the premises upon which it is located or displayed or the identity of the occupant thereof or a service rendered therein or a product or item available therein or a permitted trade, business or profession carried on therein as hereinafter regulated.

(2) Signs for retail sales and service uses. Retail sales and service uses shall be permitted to have signs in accordance with the following provisions, except in the case of retail uses with a common entrance, which are regulated in Subsection E(3) below.

(a) Number of principal signs. There shall be no more than one principal sign for each retail establishment or permitted use therein except where the following conditions are met:

[1] Any permitted use within a building having an exterior wall facing an off-street parking area or railroad station platform may have a second principal sign on said wall if that wall contains a pedestrian entrance to said permitted use.

[2] Any permitted use within a building on a corner lot may have a second principal sign. One sign shall be located on one street and a second sign shall be located on the second or side street. Nothing contained herein shall be construed to permit more than two principal signs on a building located on a corner lot.

(b) Attached principal signs. All principal signs attached to a building shall comply with the following provisions, except signs on an awning as regulated in § 190-122E(2)(f) shall be exempt from the following: **[Amended 6-10-1997 by Ord. No. 2606; 5-14-2008 by Ord. No. 3115; 4-12-2017 by Ord. No. 3591]**

[1] They shall be installed parallel to the face of the wall to which they are attached.

[2] They shall not extend more than six inches from the structural face of the building

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wall, provided that directly lighted signs shall be prohibited unless the electrical and illumination components, and any box or frame enclosing such components, do not extend from the building.

[3] They shall not be less than seven feet from the elevation of the ground under the sign and shall be rigidly and securely attached to the wall.

[4] The maximum distance from the top edge to the bottom edge of any attached sign shall not exceed 24 inches; provided, however, that the maximum distance from the top edge of the message on said sign to the bottom edge of the message shall not exceed 16 inches. A sign consisting of a message only shall not contain any message that exceeds 16 inches from the top edge of the message to the bottom edge of the message. The message for a sign consisting of more than one row of letters or logos shall not exceed a vertical dimension of 16 inches, measured from the top of the entire message to the bottom of the entire message. **[Amended 3-11-2020 by Ord. No. 3778]**

[a] Signs conforming to the maximum sign size top-to-bottom edge distance of 24 inches and the maximum message size top-to-bottom edge distance of 16 inches shall be permitted an exemption for letters that extend below the baseline of a font, known in typography as a descender, loop, or tail. The below baseline portion of a sign's lettering shall be exempted from the sixteen-inch message size top-to-bottom measurement provided the below baseline portion does not extend more than four inches beyond the bottom edge of the aforementioned sixteen-inch message measurement.

[5] The maximum width of any attached sign shall not exceed 75% of the store front or wall of that portion of the building occupied by said store, except that where such store front width is less than 15 feet, the maximum width of any attached sign shall not exceed 90% of said store front width.

[6] Where there shall be more than one occupant of the building and where each occupant has a separate ground floor entrance, the total area of all signs permitted as hereinafter regulated, taken in the aggregate, shall not exceed the maximum requirements above set forth for each wall upon which any sign is permitted to be erected.

[7] The only signs permitted above the first floor shall be a single sign for each business establishment, and said sign shall be painted on a single window in gold leaf, black or white. Each such sign shall be limited to two lines, and each line shall be limited to six inches in height. There shall be a maximum distance of separation between the two lines permitted by this provision of four inches.

[8] No signs shall be permitted to be located on a canopy.

(c) Freestanding principal signs. In the case of premises on which the structure is set back at least 40 feet from the front curbline, a freestanding sign is permitted, which shall comply with the following standards. This provision shall not be construed to prohibit freestanding signs accessory to motor vehicle refueling stations as provided in § 190-122H(3). **[Amended 4-12-2017 by Ord. No. 3591]**

[1] The area shall not exceed 12 square feet.

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[2] The top of said sign shall not be more than 10 feet above the level of the ground.

[3] No part of the sign shall be located closer than five feet to the property line. Any freestanding sign shall be placed on the premises so as not to result in a traffic safety problem due to inadequate sight angles.

(d) Nonilluminated interior window signs. Nonilluminated signs painted on or placed or hung within 48 inches from the inside window glass or door glass of any building shall not be considered principal signs. Such signs shall comply with the following: **[Amended 4-12-2017 by Ord. No. 3591; 9-11-2019 by Ord. No. 3741]**

[1] They shall be limited to 20% of the area of said glass, but in no event shall they exceed a total of 50 square feet; whichever is less is permitted for each window unit.

[2] Notwithstanding the provisions of this section, unlettered and undecorated balloons, pennants, flags, banners and the like shall be permitted for grand openings of a new permitted use and shall be displayed for a period not to exceed seven days.

[3] Signs other than principal signs that fail to comply with all provisions of this section shall be removed no later than 60 days after the effective date of this chapter.

[4] One tenant shall be permitted up to two window signs, per window unit, as long as the combined dimensions do not exceed the maximum area permitted.

[5] Signs shall not be iridescent or of reflective materials.

(e) Illuminated interior signs. Directly illuminated interior signs located within six feet of the window glass or door glass of a building shall be considered a principal sign and shall meet all applicable requirements for exterior principal signs, including but not limited to the number of principal signs and the area permitted for principal signs. Indirectly illuminated interior signs located within two feet of the window glass or door glass of a building shall also be considered a principal sign and shall meet all applicable requirements for exterior principal signs, including but not limited to the number of principal signs and the area permitted for principal signs.

(f) Awning signs. In the B-1 and B-2 Districts only, signs running in a horizontal direction are permitted on the flap or vertical plane of any permitted awning, provided that the following standards shall apply. Such signs shall not be considered principal signs. No signs shall be permitted on a canopy. **[Amended 4-12-2017 by Ord. No. 3591]**

[1] Said signs shall not exceed a height of eight inches.

[2] No horizontal sign shall be permitted which exceeds 1/3 of the length of the flap which runs parallel to the street.

[3] No other signs besides those permitted above are permitted on the awning.

(3) Signs for retail uses with a common entrance and other uses. Signs for permitted uses in the B-1, B-2 and C Zone Districts for other than retail sales and service stores and shops and signs for retail sales and service stores and shops which share a common entrance shall be limited to tenant identification or directory signs which shall comply with the following: **[Amended 5-14-2008 by Ord. No. 3115]**

(a) Said signs shall be unlighted.

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(b) They shall be limited to one sign per tenant.

(c) They shall be uniform in appearance and shall be made of the same materials with the same background and contain the same letter type, style and materials as all other similar signs used by tenants in the building.

(d) Said signs shall not exceed an area of two square feet per sign nor a vertical height of eight inches.

(e) Where there is more than one tenant in the building, all of said signs shall be abutting one another and not indiscriminately placed on the exterior walls of the building.

(4) Signs for movie theaters. In the B-1 and B-2 Districts only, movie theaters shall be permitted to maintain a permanent marquee constructed as an integral part of said theater building, which may contain a sign on three sides of the marquee advertising the current event or coming attractions within the movie theater. Also permitted within the window area of said theater are temporary poster signs advertising the current event or coming attractions within the movie theater.

(5) License or permit signs. In addition to any sign or signs permitted pursuant to this section, a sign or signs limited to those purposes set forth in § 190-122E(1) and as may be required by any federal, state, county or municipal law to be displayed as a license or permit may be attached to a store window or windows.

(6) On premises used for a permitted institutional use, a sign or signs identifying the use and activities conducted on the premises, which shall comply with the following: **[Added 2-8-2012 by Ord. No. 3327]**

(a) One freestanding sign and one sign affixed to each principal or accessory building shall be permitted.

(b) The maximum area of any sign shall be 30 square feet.

(c) Freestanding signs shall be located at least five feet from any property line and shall be located so as to not interfere with safe sight distance at intersections of roadways and driveways.

(d) Freestanding signs shall not exceed a height of 10 feet.

(7) Window displays. **[Added 9-11-2019 by Ord. No. 3741]**

(a) The occupant of each separate retail or commercial enterprise or establishment shall be permitted one window display per window unit that can be viewed through a window or other viewing area on the facade of the separate enterprise or establishment;

(b) Window display may only be located on the ground level of a building;

(c) The display shall not use wording or language that is defined in § 190-3 such as to constitute the display to be construed as a "sign";

(d) Such window display must be set back inside the establishment no closer than one foot from the exterior window or viewing location;

(e) Such window display may not occupy more than 75% of the window unit in aggregate

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even with multitenants;

(f) When such window display is combined with nonilluminated window signs the aggregate shall not exceed 80% of the total window area.

(g) Such window display may be illuminated from its interior, directly or indirectly; however, the light source must be concealed from public view;

(h) Such displays may include a video or recorded display of information that meets all criteria stated above and compliant with § 190-3.

F. Signs in the OB-1 and OB-2 Districts. Except for institutional uses, which shall be subject to the sign regulations set forth in § 190-122E(6), any principal structure in the OB-1 and OB-2 Office Building Zone Districts shall be permitted one exterior sign which may be freestanding or attached to the principal structure and which shall comply with each of the following requirements: **[Amended 2-8-2012 by Ord. No. 3327]**

(1) Content. Any permitted exterior sign shall display only the name or logo, the activities carried on and the address of the principal occupant of the principal structure.

(2) Dimensional proportions. The greater dimension of any permitted exterior sign shall not exceed twice that of the lesser dimension, and such dimensions shall exclude any supporting structure.

(3) Freestanding signs. In the case of any permitted exterior freestanding sign, the following shall apply:

(a) The sign shall be located in the front yard but shall not extend over any property line.

(b) The sign shall be of an area not to exceed 30 square feet in area on each side or 60 square feet in aggregate area if both sides shall have signs thereon.

(c) The top of any such sign shall be no more than 15 feet above ground level.

(4) Attached signs. In the case of any permitted exterior sign attached to the building, the following shall apply:

(a) The sign shall be located on the facade of the principal structure facing on the front yard.

(b) The sign shall be of an area not to exceed one square foot for every foot of front yard setback.

(c) The top of any such sign shall not exceed roof level.

(5) Illumination. Any sign permitted in the OB-1 and OB-2 Office Building Zone Districts may be illuminated, provided that the sources of illumination shall be nonflashing and shielded in such a manner that the same are not visible from the street or adjoining property.

G. Signs in the H District. Hospital use shall be permitted one sign which shall not exceed 30 square feet in area, whether affixed to a structure or freestanding. Also permitted are directional and emergency signs which may be freestanding, provided that said signs shall not exceed eight square feet in area.

H. Special regulations for certain types of signs. The following provisions and regulations shall apply to the following signs, which regulations shall supersede the provisions in each zone district otherwise applicable to such signs.

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(1) Professional nameplates. Nameplates shall be permitted as an accessory to professional office use. Such signs shall be affixed to the door or adjacent wall of the premises so used, and the nameplate dimensions shall not exceed eight inches in height or 20 inches in width per nameplate.

(2) Building memorial signs. Memorial signs or tablets or signs indicating the name of a building or the date of its erection shall be permitted when cut into any masonry surface or when constructed of bronze or other incombustible material.

(3) Gasoline service station signs. Signs which are accessory to filling and service stations shall be permitted and limited to the following:

(a) Lettering on buildings may be displayed over individual entrance doors consisting of the words "washing," "lubrication," "repairing" or words of similar import. There shall be not more than one such sign over each entrance and the letters shall not exceed 10 inches in height.

(b) Lettering or other insignia which are a structural part of a gasoline pump shall consist only of a brand name, lead warning sign and other signs as required by law, provided that signs indicating full attendant services are provided at pumps as required by state law shall also be permitted. **[Amended 5-14-2008 by Ord. No. 3115]**

(c) One credit card sign is permitted which shall not exceed two square feet in area. Such sign shall be affixed to the building or to a permanent freestanding identification sign.

(d) One identification sign accessory to a motor vehicle refueling station open to the general public, bearing the brand or trade name of the station, shall be permitted in accordance with the following: **[Amended 4-12-2017 by Ord. No. 3591]**

[1] The sign shall be permanently affixed to the building or its own metal substructure.

[2] The sign shall not exceed 30 square feet in area on each side or 60 square feet in aggregate area if both sides shall have signs thereon.

[3] The sign, if on its own metal substructure, shall be rigidly and securely attached to the ground surface so as to create no danger to life or limb.

[4] The sign, whether affixed to a building or on its own substructure, shall not exceed 18 feet in height.

(e) One sign may be attached to each gas pump, with the price of the product, as required by law.

(f) One movable freestanding sign specifically advertising the price of fuel shall be permitted, provided that said sign does not exceed 10 square feet in area and said sign shall not be closer than 10 feet to any property line.

(4) Signs for public welfare; traffic directional signs. Public signs for public convenience and welfare erected by or on behalf of the United States, the state, the county and the Village, traffic controls in private ways and parking lots, legal notices, railroad crossing signs or other signs as required by law shall be permitted in all zone districts. No sign other than entrance, exit, identification and conditions of use signs shall be maintained in any parking area. Such signs in parking areas shall not have an area that exceeds two square feet.

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(5) Temporary construction signs. One temporary sign, necessary in connection with the erection of buildings or other construction work, shall be permitted for each construction project. Such sign may be freestanding or attached to the premises but shall not exceed nine square feet in area and shall be removed at the completion of construction. Such sign may be freestanding or attached to a building wall.

(6) Political signs. Temporary, nonilluminated, political signs, as described in Subsection (A)(8) above of this chapter and section, shall be permitted in all zones. Signs for candidates shall be removed no later than 20 days after date of the election in which the candidate was considered for vote. In the case of primary elections, the signs of all candidates who fail to remain as candidates in the ensuing general election shall be removed no later than 10 days after the date of the primary election. Such signs may be freestanding or attached to the wall or facade of a building or structure. Such signs may only be placed on the property with the permission of the property owners or person in authority to provide such permission. **[Amended 9-7-2016 by Ord. No. 3540]**

(7) Real estate signs. Real estate signs which are signs customary and necessary in the offering of real estate for sale or to let by the owner thereof or by his real estate agent or broker are permitted to be erected in the Village, provided that the following requirements are complied with:

(a) In all zones, one real estate sign is permitted for each principal use.

(b) No real estate sign shall exceed a total area of 650 square inches.

(c) No real estate sign shall exceed a vertical or horizontal dimension of 36 inches.

(d) All real estate signs shall be nonilluminated.

(e) Real estate signs may be freestanding or attached to the building which is for sale or let.

(f) Signs permitted hereby shall pertain only to the sale or lease of the lot or premises upon which the sign is placed.

(g) Signs customarily used to indicate that the real estate offered for sale or to let has been sold or leased by the owner, real estate agent or broker concerned are prohibited. Permitted real estate signs shall be removed within seven days of the day that a contract of sale or lease of the premises has been executed by both parties to the document.

(h) In the event that the owner, broker or real estate agent conducts an open house at the premises, in addition to the for sale sign, a sign stating "Open House" may be added on the premises, in addition to the on-premises sign, on condition that said sign does not exceed 18 inches by 24 inches and is posted for a period not to exceed five days in total during the term of the sign permit. **[Amended 8-14-2019 by Ord. No. 3731]**

(8) Signs for drive-in uses. Permitted drive-in or drive-through uses, exclusive of motor vehicle/gasoline service stations and public garages, shall be permitted the following signs, in addition to any other signs that may be permitted for the use: **[Added 6-13-2012 by Ord. No. 3343]**

(a) One sign for each drive-in lane, mounted on the drive-in canopy over each lane, indicating the nature and operational status of such lane. Such signs shall not exceed an area of four square feet.

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(b) One sign, or one group of signs, for each mechanical device serving the drive-in user, mounted on the equipment or on the building or canopy near the equipment, indicating the nature of the device and providing operational information. The area of such sign or group of signs shall not exceed four square feet.

(9) Temporary portable signs. Temporary portable signs shall be permitted in the B-1, B-2 and B-3-R Zones in the Village's Central Business District, subject to the following requirements: **[Added 12-14-2016 by Ord. No. 3562; amended 9-12-2018 by Ord. No. 3667]**

(a) Uses to which such signs/displays must be accessory. Such signs/displays shall be accessory to retail sales and retail service uses open to the general public and permitted in the B-1, B-2 and B-3-R Zones located in and operating from the building.

(b) Central Business District location required. Such signs/displays shall be permitted in the Central Business District, which for the purposes of this provision shall be defined to include the area located: 1) within the B-1, B-2 and B-3-R Zones, and 2) within 1/2 mile of the intersection of the center lines of North Broad Street and Franklin Avenue.

(c) General location. Such signs/displays shall be permitted in the front yard of the storefront of the business to which the sign is accessory and/or within the public street right-of-way in front of said business; provided that when located within the street right-of-way, such signs/displays shall be located between the right-of-way line and the street curb or, in the event that no street curb exists, between the right-of-way line and the edge of the street pavement. Such signs/displays shall not be permitted to be placed in the vehicular traveled way or within any parking area located within the street right-of-way.

(d) Maximum quantity. Not more than one sign or display shall be permitted for each business establishment. For purposes of administering this provision, a business establishment shall be construed to be a commercial operation and all accessory or subsidiary operations at a single location.

(e) Orientation. The faces of the A-frame sign containing the sign message shall be oriented to be perpendicular to the direction of travel on the street.

(f) Obstructions prohibited.

[1] Such signs/displays shall not obstruct ingress or egress to/from buildings, driveways, access aisles, parking spaces, fire lanes or other locations that require access by vehicles or pedestrians.

[2] For the purpose of ensuring adequate pedestrian movements, such signs/displays shall be required to be located so as to maintain a minimum clear traveled way width of 52 inches.

(g) Placement restrictions.

[1] Such signs/displays shall not be permanently affixed, and shall be capable of being removed on a daily basis.

[2] Such signs/displays shall not be chained, cabled, tied or otherwise attached or connected to any tree, pole, hydrant, planter, container, chair, bench, table or other item, but shall be wholly self-supporting.

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[3] Such signs/displays shall be internally ballasted/weighted in such manner so as not to create or present a hazard to pedestrian safety and to be secure in windy conditions and to prevent accidental relocation by other means.

(h) Hours of display. Such signs/displays shall be permitted to be displayed during the hours when the business to which the sign is accessory is open to the public. Such signs/displays shall be removed when the business is closed to the general public.

(i) Removal during weather events. Such signs/displays shall be removed in the event of a weather forecast for high winds, snow or ice. The signs/displays may be returned to their approved location after the weather event has passed and, in the case of snow, once snow removal from the street, sidewalks and other paved areas in the immediate vicinity are complete.

(j) Prohibited content and design. The following content and features shall be prohibited:

[1] Any type of artificial illumination of such signs/displays shall be prohibited.

[2] Highly reflective or refractive materials.

[3] Fluorescent or luminescent materials.

[4] Multiple items of merchandise in accordance with Subsection H(9)(k)(2) below.

[5] Water-soluble materials.

[6] Balloons, pennants, flags, streamers, banners and similar items.

[7] Offensive language.

[8] Illumination.

[9] Environmentally activated.

(k) Temporary portable signs/displays are permitted in accordance with the following requirements.

[1] Sign panel.

[a] Height. All signs shall have a minimum height of 36 inches and a maximum height of 42 inches, with the height measured vertically from the sidewalk or other surface located beneath the base of the sign. If the point of height measurement is at a different level than the surface of the traveled way, the height shall be measured from the public level of the traveled way.

[b] Width. The maximum width of the sign shall be 24 inches.

[c] Depth at base of sign. The maximum depth of the sign and any supporting structure shall be 30 inches.

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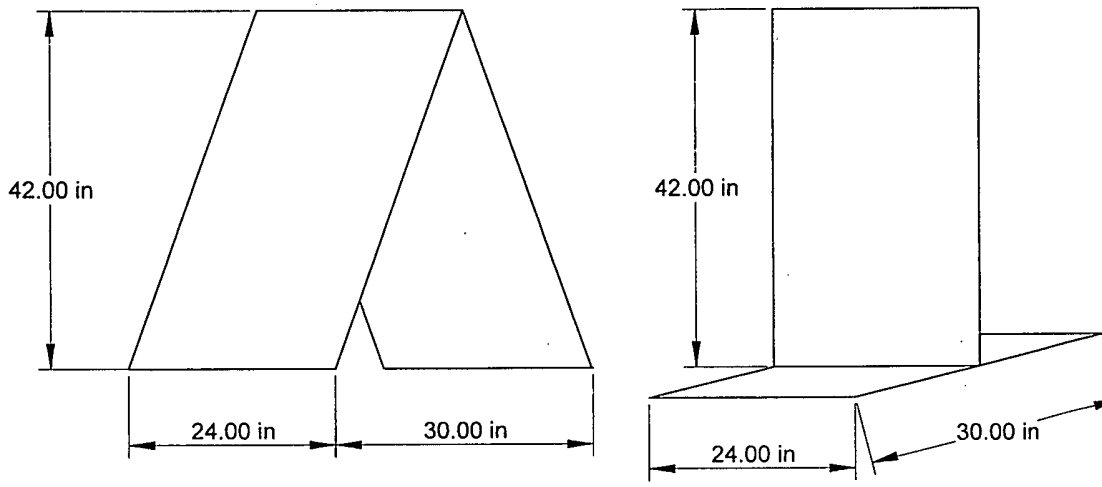
The following diagrams illustrate the maximum sign dimensions:



[2] Displays.

[a] Area. The maximum area of a display is five square feet.

[b] Height. If not affixed to the building it may be a maximum of 42 inches. If affixed (only temporarily) to the building it may be a maximum of 72 inches.

[c] Content. May include a sample/example of the merchandise sold from the associated retailer; however, may not include a display rack holding multiple items for sale such as racks of clothing or shelves of items.

(l) Permit required. Prior to the placement of any such sign/display, a permit shall be applied for and obtained in accordance with § 190-97C. The permit shall be approved by the Zoning Official, Assistant Zoning Officer, Code Enforcement Officer and Village Planner.

(m) Enforcement. The provisions of this section shall be enforced by the Village Construction Official and/or their designee, the Village Sanitarian, the Village's designated Code Enforcement Officer, the Village's Director of the Department of Public Works and/or their designee, the Fire Code Official and/or their designee, as well as the Police Department and Fire Department of the Village in accordance with the provisions set forth.

(10) Blade signs shall be permitted in the B-1 and B-2 Zone Districts in accordance with the following conditions: **[Added 6-13-2018 by Ord. No. 3647; amended 7-12-2024 by Ord. No. 3999]**

(a) Blade signs are permitted in addition to other permitted signs as set forth in this chapter.

(b) Each business occupying space on the ground floor of a building is permitted one blade sign, unless it is a corner building, in which case, the business may install a corner bracket or have two perpendicular signs. Corner buildings include those that front on parking areas as well as two public rights-of-way.

(c) All signs that encroach into the public right-of-way require an encroachment agreement with the Village.

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(d) Blade signs shall be affixed to the facade of a building such that the bottom edge of any blade sign is at least eight feet above the sidewalk. The top of any blade sign shall not be higher than 16 feet above the sidewalk.

(e) Blade signs shall have dimensions that can be fit within a square that measures 32 inches by 32 inches.

(f) Blade signs shall not intrude more than four feet into the right-of-way.

(g) All blade signs shall not exceed a thickness of six inches.

(h) Blade signs must be double-sided with each side identical.

(i) Signs can be externally illuminated; however, all lighting shall be reviewed by the Zoning Officer to determine conformance with the lighting ordinance. If the proposed lighting does not meet the Village lighting ordinance or is distracting to motorists, the Zoning Officer shall deny the proposed lighting.

(j) Blade signs shall be mounted to a separate architectural bracket. To the extent feasible, brackets should be mounted to the building facade in a manner that does not damage historic materials, i.e., attaching mounting brackets in joints between stone facade material.

(k) Blade signs shall have a consistent design with the main sign.

I. Violations and enforcement.

(1) This section shall be administered and enforced by the Construction Official as deputy of the Zoning Officer.

(2) If any person shall have been convicted of a violation of this section and the sign or signs shall continue as violations despite such conviction, then, upon the expiration of the time for appeal, as provided by law, if no appeal has been taken or upon conviction by the county court if an appeal has been taken, the Construction Official may serve an additional 10 days' notice upon the person so convicted to require him to remove the sign or signs in violation. If such sign or signs shall not have been so removed upon the expiration of such ten-day period, the Construction Official shall have the power to remove the sign or signs or cause the same to be removed without further notice, but at the sole expense of the owner of the premises.

(3) If the Construction Official shall find that any sign is unsafe or insecure or is a menace to the public, he shall give written notice thereof to the owner, agent or person having the beneficial use of the premises upon which such sign may be erected. If such owner, agent or person shall fail to remove or alter the sign so as to comply with the standards herein set forth within 10 days after such notice, such sign or other advertising structure may be removed or altered to comply by the Construction Official at the expense of the owner, agent or person having the beneficial use of the premises upon which such sign may be erected. The Construction Official may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

J. Signs in the HC District. Signs in the HC Zone District shall be subject to the following requirements, in addition to all other applicable requirements of this chapter: **[Added 6-13-2012 by Ord. No. 3343]**

(1) Signs for single-family detached dwellings shall be permitted as regulated by § 190-122C.

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(2) Signs for nonresidential uses shall comply with the following requirements:

(a) Type and number of signs. One wall sign per use, plus one freestanding sign per lot, shall be permitted, regulated as follows:

[1] If access is provided to the property solely from Route 17, except for emergency access, the following requirements shall apply:

[a] The area of freestanding signs shall not exceed 75 square feet, and the height shall not exceed 20 feet.

[b] The area of wall-mounted signs shall not exceed two square feet for each horizontal foot of store frontage of the wall upon which the sign is located, or 50 square feet, whichever is less. The height of wall signs shall not exceed 20 feet.

[2] If access is provided from or to the property from streets other than Route 17 (e.g., by variance or nonconforming condition), the following requirements shall apply:

[a] The area of freestanding signs shall not exceed 30 square feet, and the height shall not exceed 10 feet.

[b] The area of wall-mounted signs shall not exceed one square foot for each horizontal foot of store frontage of the wall upon which the sign is located, or 25 square feet, whichever is less. The height of wall signs shall not exceed 15 feet.

(b) Other signs. **[Amended 12-14-2022 by Ord. No. 3928]**

[1] If access is provided to the property solely from Route 17, except for emergency access, the following requirements shall apply:

[a] Interior window signs (illuminated or nonilluminated) shall be permitted in addition to wall-mounted signs. Each business or tenant may have one or more interior windows signs with a total area not to exceed 15% of the window area associated with the tenant space.

[b] Awning signs shall be permitted as regulated by § 190-122E(2)(f), and license and permitting signs shall be regulated by § 190-122E(5). The area of license and permitting signs shall not apply to the area associated with interior window signs for the purpose of determining maximum permitted sign area.

[2] If access is provided from or to the property from streets other than Route 17 (e.g., by variance or nonconforming condition), the following requirements shall apply:

[a] Interior signs and awning signs shall be permitted as regulated by § 190-122E(2)(d), (e), and (f), and license and permitting signs shall be regulated by § 190-122E(5).

§ 190-123. Conditional uses. [Amended 2-10-1998 by Ord. No. 2620; 10-13-1998 by Ord. No. 2643; 4-10-2002 by Ord. No. 2780; 5-14-2008 by Ord. No. 3120; 4-15-2009 by Ord. No. 3177; 7-8-2009 by Ord. No. 3196; 12-14-2011 by Ord. No. 3323; 2-8-2017 by Ord. No. 3579]

Recognizing that certain uses, activities and structures may be necessary to serve the needs and

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convenience of the Village of Ridgewood and its residents, and at the same time recognizing that such uses may be or become adverse to the public health, safety and general welfare if located and operated without proper consideration being given to existing conditions and the character of the surrounding area, such uses are hereby designated as conditional uses. The conditional uses indicated in this section shall be permitted only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this article, and only upon the issuance of an authorization therefor by the Planning Board.

The review by the Planning Board of a conditional use application shall include any required site plan review, and the procedure for obtaining conditional use approval shall be in accordance with the procedures in Article VII for processing and review of site plan applications, unless the context clearly indicates otherwise or unless contrary to other law.

In the event that any conditional use standard conflicts with any other zoning regulation, the conditional use standard shall apply, unless the context indicates otherwise.

If any requirement of this chapter does not conflict with the conditional use requirements in this section, said requirement shall apply to the conditional use, unless the context clearly indicates otherwise. A violation of any such requirement shall not be considered to be a violation of a conditional use standard.

A. Motor vehicle service stations and public garages. A public garage or motor vehicle service station shall only be permitted in the B-2 and C Districts after the following requirements are met:

(1) A site plan shall be submitted and approved as required in Article VII, and said plan shall show, in addition to all information required by Article VIII, the street entrances and exits or driveways and the precise location of all tanks, pumps, lifts and other machinery and equipment appurtenant thereto, as well as the location, nature of construction and present use of all buildings within 300 feet of the lot lines of the premises for which the application has been filed.

(2) The nearest lot line of the lot or parcel of land to be used as a public garage or gasoline service station shall be at least 300 feet, measured in a straight line, from the nearest lot line of any lot upon which is located any building used as a theater, auditorium or other place of public assembly capable of seating over 100 persons or used as a church, hospital for humans, college, school, public library or institution for dependents or children or any public playground or athletic field.

(3) No part of any public garage or gasoline service station nor any driveway entrance or exit to or from the same shall be located within 300 feet of any lot line of any lot upon which is located any other public garage or gasoline service station.

(4) No part of any public garage or gasoline service station, wherever located, shall be used for any other purpose; provided, however, that car rental sales shall be permitted as an accessory use if all the following requirements are complied with:

(a) The parking area of rental vehicles shall meet the same setback, lighting, paving, drainage and screening standards as those required for the minimum off-street parking requirements.

(b) The parking area of rental vehicles shall be in addition to the minimum required off-street parking area for all structures located on the premises.

(5) The minimum lot size for any lot upon which any public garage or gasoline service station is located shall be 14,000 square feet, and the minimum street frontage of such lot shall be 100

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feet. If a public garage or gasoline service station is located on a corner lot, the minimum street frontage on each street shall be 100 feet.

(6) Entrance and exit driveways to and from any lot upon which is located a public garage or gasoline service station shall have an unrestricted width of not less than 16 feet nor more than 24 feet, shall be located not nearer than 10 feet from any lot line and shall be so laid out as to avoid the necessity of any vehicle leaving the property by backing out across any public sidewalk, street, highway, right-of-way or portion thereof.

(7) The area of all driveways and other areas over which motor vehicles are intended to be driven or parked on any lot upon which is located a public garage or gasoline service station shall be paved with bituminous or concrete surface sufficient to meet the Village paving specifications applicable to streets and roadways.

(8) On any premises upon which a public garage or gasoline service station is located, all services or repairs to or for motor vehicles, other than such minor items as the changing and filling of tires or the sale of gasoline or oil, shall be conducted within the confines of a building capable of being wholly enclosed. Any vehicles stored outside overnight shall be so stored as to meet the provisions of § 190-124E.

(9) No part of any building used as a public garage or gasoline service station and no filling pump or other service appliance, whether for gasoline, oil or any other combustible liquid or material, shall be erected within 10 feet of any side or rear lot line, and the ten-foot free area required hereunder shall be at all times kept free, open and unobstructed for the purposes of ready access by emergency fire and police vehicles.

(10) Storage facilities for gasoline, oil or other flammable materials in bulk shall be located wholly underground and no nearer than 35 feet from any lot line other than any street side line. No gasoline or oil pumps, oil or greasing mechanism or other service appliance installed for use at such premises shall be within 10 feet of any street side line, and no gasoline pump shall be located or permitted within any enclosed or semi-enclosed building.

(11) A canopy is permitted over the pump islands, provided that said canopy complies with all of the following requirements:

(a) The vertical projection of said canopy is no closer to any street right-of-way line than two feet.

(b) The vertical projection of said canopy is no closer to any side or rear lot line than 10 feet.

(c) The thickness of said canopy or the dimension measured from the topside to the underside of the canopy shall not be greater than 18 inches.

(d) The height of said canopy shall not exceed 10 feet to the bottom of the canopy.

(e) The vertical projection of the perimeter of the canopy, commonly referred to as the "footprint," shall not be larger than 5% of the lot area.

(f) The stanchions or posts holding up the canopy shall be no closer than 1/2 the setback required for a principal building.

(12) No part of any building or structure used in whole or in part as a public garage or gasoline service station shall be located within 100 feet of any boundary line of any residential zone

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district created by this chapter.

(13) No permit for the alteration or expansion of any existing public garage or gasoline service station shall be issued except upon compliance by the applicant with all the provisions of this article.

(14) The foregoing provisions shall not apply to any municipally owned or operated parking garage.

B. Institutional uses in the residential zone districts. Institutional uses as defined by § 190-3 are permitted in the R-125, R-110, R-1, R-1A, R-2, R-2A, R-3, R-4, R-5 and R-7 Zone Districts as a conditional use. The following conditional use standards shall apply:

(1) More than one institutional use on a lot. More than one institutional use shall be permitted on a lot or as part of the same development, such as but not limited to a house of worship and school as part of the same development.

(2) Accessory uses. Uses that are customarily incidental and subordinate to the primary institutional use and part of the same development as the primary use shall be permitted.

(3) Residences for institutional use staff. Residences for the staff of institutional uses, such as but not limited to parsonages, rectories, convents, manses and vicarages, used solely or primarily as housing shall be permitted on the same lot or on lots separate from the institutional use, subject to the following:

(a) When such a residence is located on a separate lot from the institutional use, it shall not be considered a conditional use, but shall be subject to all of the provisions applicable to residences in the zone district within which it is located.

(b) When such a residence is located on the same lot as the institutional use, and it is located within a separate building and its yard areas, its accessory uses and its accessory structures are generally distinct and separate from the institutional use, then it shall not be considered a conditional use, but shall be subject to all of the provisions applicable to residences in the zone district within which it is located, with that portion of the lot devoted to the residence considered its "lot" for purposes of complying with such requirements. Furthermore, the residential portion shall be excluded from the institutional use lot for the institutional use for purposes of complying with the requirements for the institutional use in this subsection.

(c) When such a residence is located within the same building as the institutional use, or is located in a separate building but its yard areas, its accessory uses and its accessory structures are not distinct and separate from the institutional use, such residence shall be considered part of the institutional use and shall be subject to all of the requirements applicable to the institutional use.

(4) Minimum lot area: one acre (43,560 square feet) net developable area, which shall be defined as the gross lot area minus wetlands, wetland transition areas and any other areas within which development is prohibited, subject to the following:

(a) In cases where multiple contiguous lots or noncontiguous lots located within 200 feet of each other are devoted to the same institutional use, the cumulative area of the lots devoted to the use shall be used in determining compliance with this requirement. For example, if a house of worship or school owns and uses a parking area on an adjacent lot or on a lot located across the street, the area of both lots shall count towards the minimum lot area.

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(b) The area of noncontiguous lots that are not located within 200 feet of each other and the area of contiguous or noncontiguous lots that are not used for the same development shall not be counted together for purposes of the complying with the minimum lot area. For example, if a religious school is located on a separate lot than the house of worship with which it is affiliated and the two uses are generally developed and operate in an independent manner, then each use shall be considered a separate institutional use and each lot must comply with the minimum lot area requirement.

(c) The area of lots used by residences for institutional use staff are regulated by § 190-123B(3) above.

(5) Minimum lot width: 150 feet for lots devoted to the principal building and use. Lots devoted solely to accessory parking shall have a minimum width of 100 feet for interior lots and 120 feet for corner lots.

(6) Minimum lot depth: 200 feet.

(7) Maximum floor area ratio: 15% of the lot area.

(8) Maximum coverage by above-grade structures: 20% of the lot area.

(9) Maximum improvement coverage: 65% of the lot area.

(10) Maximum building height: 45 feet.

(11) Minimum yard setbacks for principal buildings and accessory buildings having a floor area greater than 750 square feet:

(a) Front yards: as required in the zone for dwellings. For the purpose of administering this yard setback requirement, the height of the building shall be calculated using the height of any steeple, tower, minaret or similar structure

(b) Side yards: the height of the building or 40 feet, whichever is greater.

(c) Rear yard: the height of the building or 50 feet, whichever is greater.

(d) Steeples, towers, minarets, and similar structures: the height of such structure or as otherwise required for the principal or accessory building, whichever is greater.

(12) Minimum yard setbacks for accessory buildings having a floor area up to 750 square feet:

(a) Front yards: the same as required for principal buildings.

(b) Side yards: the height of the building or 15 feet, whichever is greater, unless the buffer requirements of Subsection B(15) below impose a greater requirement.

(c) Rear yards: the height of building or 15 feet, whichever is greater, unless the buffer requirements of Subsection B(15) below impose a greater requirement.

(13) Minimum yard setbacks for parking areas and driveways:

(a) Front yards: the same as required for principal buildings.

(b) Side yards: 15 feet, unless the buffer requirements of Subsection B(15) below impose a greater requirement.

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(c) Rear yards: 15 feet, unless the buffer requirements of Subsection B(15) below impose a greater requirement.

(14) Minimum yard setbacks for outdoor use areas such as playgrounds, sports fields, courts, etc.:

(a) Front yards: the same as required for principal buildings.

(b) Side yards: 25 feet, unless the buffer requirements of Subsection B(15) below impose a greater requirement.

(c) Rear yards: 25 feet, unless the buffer requirements of Subsection B(15) below impose a greater requirement.

(15) A buffer area shall be provided along the common boundary of the institutional use with any adjacent property in a residential zone district that is developed for residential use or is vacant and able to be developed for residential use in conformance with the zone regulations. Such buffer area shall be planted with screening vegetation and a solid fence, as approved by the Planning Board. In the front yard, the design of the buffer area may be modified, or the buffer may be eliminated entirely, as determined by the Board, in order to provide adequate sight distance for driveways or to maintain the residential streetscape in the neighborhood, while still providing an adequate buffer for adjacent residential properties. The minimum depth of the buffer, measured perpendicular to the property line, shall be as set forth below:

Net developable area of property	**Minimum buffer depth**
Up to 50,000 square feet	10 feet
Over 50,000 square feet	10 feet, plus one foot of additional depth for each additional 5,000 square feet of additional net developable area, or fraction thereof, greater than 50,000 square feet; provided, however, that no buffer shall be required to have a depth greater than 30 feet.

(a) For purposes of this requirement, "net developable area" shall be defined as the gross area of the property minus wetlands, wetland transition areas and any other areas within which development is prohibited.

C. (Reserved)

D. Single-family attached residential units. Single-family attached residential units shall be permitted in the R-1A District only after the following requirements are met:

(1) A site plan shall be submitted and approved as required in Article VII, and said plan shall show, in addition to all information required by Article VIII, that all standards established herein for single-family attached units as a conditional use will be complied with.

(2) Height. No structure containing a single-family attached unit shall exceed a height of 30 feet.

(3) Setbacks. No building or structure shall be located closer than:

(a) Fifty feet to any public street or highway.

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(b) Twenty feet to the curbline or edge of pavement of any internal private road.

(c) Ten feet to the pavement edge of a driveway where said driveway traverses the setbacks between buildings as hereinafter regulated in § 190-123D(7).

(d) Forty feet to any other property line.

(4) Buffer areas. Those setbacks required in § 190-123D(3) above shall be landscaped areas and shall not contain any building structure. Off-street parking is not permitted within the 40 foot setback required in § 190-123D(3)(d) above.

(5) Density. The gross density for any development in the R-1A Zone shall not exceed 3.5 single-family attached dwelling units per acre. The maximum number of dwelling units permitted for any project shall be determined by multiplying the total area of the tract in acres, exclusive of any abutting public streets, by 3.5. Any fractional number of units shall be treated as one unit.

(6) Minimum tract size. Single-family attached units will only be permitted on a tract having a minimum area of eight acres.

(7) Distance between buildings. No structure containing a single-family attached dwelling unit shall be permitted closer to another structure containing a single-family attached dwelling unit than a distance which equals 75% of the sum of heights of the two said structures or 30 feet, whichever results in the greater distance.

(8) Landscaping. A landscaping plan shall be submitted and be subject to review and approval by the Planning Board at the same time as the site plan. The landscaping plan will show in detail the location, size and type of all plantings, including lawns, to be used on the site. All areas not used for buildings or off- street parking shall be included in the landscaped plan. All parking and service areas shall be screened so that said areas are shielded from residential areas adjacent to the site.

(9) Lighting. Yard lighting shall be provided during the hours of darkness to provide illumination for the premises and all interior sidewalks, walkways and parking areas thereon. All wiring shall be laid underground, and all lighting fixtures shall be arranged so that the direct source of light is not visible from any residential areas adjacent to the site.

(10) Architecture and construction.

(a) From a design and construction standpoint, a single-family attached residence structure has two basic options, as follows:

[1] It shall be designed and constructed to resemble a large single-family residence; or

[2] It shall be designed and constructed with appropriately different single-family attached residence setbacks and rooflines so as to reflect the combination of more than one but not more than four single-family attached residences.

(b) The architecture employed shall be esthetically in keeping with the surrounding area and shall be subject to approval by the Planning Board. All buildings shall be constructed in accordance with the building code and shall comply with the following requirements:

[1] The exterior of each building wall of single-family attached residences shall be of wood, brick or stone facing, solid brick or stone or some other acceptable durable material. Asbestos shingle and cinder or concrete block as exterior finishes are

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prohibited. The applicant shall submit to the Planning Board for review and approval, in addition to any and all other documents required by any other ordinance concerning site plan review, floor plans, elevation drawings, color rendering and detailed finish schedules.

[2] The exterior of any accessory structures shall harmonize architecturally with and be constructed of materials of a like character to those used in principal structures.

[3] There shall be between single-family attached residences a soundproof fire wall constructed according to the specifications approved by the Village Engineer. Such noncombustible wall shall have a sound transmission classification (STC) of not less than 52 based on the laboratory test procedure specified in the ASTM (American Society of Testing Materials) recommended practice E-90-66T.

(11) Utilities. Every single-family attached residential unit must be connected to the public sanitary sewer and water systems as approved by the Village Engineer.

(12) Roads. All roads within the project shall be private roads at least 24 feet wide, constructed and maintained by the developer pursuant to specifications prepared by the Village Engineer and subject to approval by the Planning Board.

(13) Master deed. The developer shall furnish to the Village as a condition of site plan approval such guaranties, covenants, master deed or builder's agreement which shall satisfy the requirements of the Planning Board for the construction and maintenance of common areas, landscaping, recreational areas, public improvements and buildings.

(14) Units per structure. No structure shall contain more than four single-family attached dwelling units.

(15) Impact statement. An environmental impact statement shall be prepared and submitted which will include an assessment, supported by engineering data, of the environmental impact of the project relating to vehicular traffic, noise, storm drainage, sanitary sewer facilities.

(16) The Planning Board shall require entrances and exits to the site at locations and widths that will minimize traffic congestion and result in the best vehicular and pedestrian circulation pattern both on and abutting the site. The Planning Board may require the applicant to submit a traffic engineering study prepared by a licensed professional traffic engineer which will indicate the impact that the development of the site will have on surrounding roads. This traffic study shall include an analysis of estimated peak hourly traffic to be generated by the proposal and an assignment of estimated peak hourly traffic by percentage and volume to surrounding streets. If the results of the study indicate necessary off-site improvements to existing Village streets, the applicant shall contribute a prorated share of such improvements as determined by the Planning Board.

(17) Building coverage. Not more than 20% of the total tract area shall be covered by any above-grade buildings or structures.

(18) Total impervious coverage. Not more than 35% of the total tract area shall be covered by any impervious material, including but not limited to buildings, structures, driveways, parking areas, patios, walkways, game areas such as tennis courts, swimming pools and the like.

(19) Common open space. The developer of single-family attached residential units as a conditional use shall make provision for the establishment of an open space organization which shall own

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and maintain all common open space for the benefit of owners or residents of the development, in accordance with § 190-48.

E. Cellular telecommunications antennas. Cellular telecommunications antennas are permitted in the OB-2 Zone District as a freestanding structure and are permitted in the B-1, B-2, OB-1, OB-2, C and H Zone Districts if attached at or near the top of an existing tall structure, only if all of the following requirements are complied with:

(1) Intent. The provisions of this chapter are intended to:

(a) Reasonably accommodate cellular telecommunications as may be required by the Federal Telecommunications Act of 1996 and by the Federal Communications commission.

(b) Minimize the number of towers or monopoles in the Village and to encourage as an alternative the installation of cellular telecommunications antennas at or near the top of existing tall structures.

(c) Encourage the collocation of cellular telecommunications antennas on as few structures as necessary, rather than locating such antennas each on separate structures.

(d) Mitigate the visual impacts from cellular telecommunications antennas in all areas through proper location and through the use of creative and compatible design.

(e) Protect residential areas from encroachment by incompatible uses, specifically cellular telecommunications antennas, and to provide for the appropriate separation of residential uses and cellular telecommunications antennas.

(f) Avoid the potential damage to adjacent properties from tower or antenna failure or from falling ice from such structures through stringent engineering and siting of tower structures.

(2) (Reserved)

(3) Requirements for freestanding antennas. In addition to any other applicable requirements of this chapter, the following requirements shall apply to freestanding cellular telecommunications antennas:

(a) Freestanding cellular telecommunications antennas shall be permitted only in the OB-2 Zone District, and only if the applicant demonstrates to the satisfaction of the Board that the purposes set forth in § 190-123E(1)(a) through (f) are satisfied by the application, and in particular that no other space is reasonably available on any other existing or pending structure, within or outside the Village, that would conform with the provisions of this Subsection § 190-123E and that would provide adequate communication pursuant to the Telecommunications Act of 1996. In order to demonstrate the foregoing, the applicant shall submit an inventory of all existing antenna towers, building-mounted antennas and sites approved or pending approval, as well as all other tall buildings, water towers, utility towers and similar structures within the area being served by the proposed freestanding antenna.

(b) No freestanding tower or antenna structure shall exceed a height of 120 feet. Any buildings or equipment accessory to or servicing the cellular telecommunications tower or antenna shall conform with the height requirements otherwise applicable in the zone district. The height of such structures shall be measured as set forth in § 190-119D(6).

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(c) Any freestanding tower or antenna structure shall be set back from any property line a distance equal to or greater than the height of the tower and antenna. Any buildings or equipment accessory to or servicing the cellular telecommunications tower or antenna shall conform with the setback requirements otherwise applicable in the zone district.

(d) Any proposed cellular telecommunications antenna and related structures shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's antennas and additional antennas that may be installed in the future by the applicant or other telecommunications service providers as required below, unless the applicant demonstrates to the satisfaction of the Board that such collocation is not feasible or necessary to minimize the number or visible impact of future antennas.

[1] The antenna shall provide space for the antennas and related structures of at least two additional users if the antenna is over 100 feet in height.

[2] The antenna shall provide space for the antennas and related structures of at least one additional user if the antenna is over 60 feet and equal to or less than 100 feet in height.

[3] The antennas and related structures shall be designed for future rearrangement of antennas and to accept antennas mounted at varying heights.

[4] The applicant shall provide a letter of commitment, submitted prior to any approval by the Board, to lease excess space on the facility to other potential users at reasonable rental rates and on reasonable terms. The letter shall commit the owner of the antenna and related structures and equipment, as well as any successors in interest.

[5] If the foregoing design for collocation requires additional antenna height or structures beyond that necessary for a single-user installation or beyond that permitted above, the Board, in determining the acceptable design, shall balance the benefits and probability of collocation against any detriments resulting from such additional antenna height or structures and may waive such collocation requirement if the detriments to the public welfare outweigh the benefits.

(e) The base of any freestanding antenna support structure and any structures accessory to or servicing the tower and antenna structure, except for buildings, shall be screened from the street and adjacent properties by a solid wood fence six feet high and by a planted buffer. The depth of the buffer shall be sufficient to accommodate the future growth of the plantings in the buffer, depending upon the specific plant(s) used, but not less than 10 feet in depth. The fence shall be located further from the street and adjacent properties than the plantings. The plantings shall be evergreen and shall be at least six feet high at the time of planting. The plantings shall be spaced in such a manner that, depending upon the specific plant used, they can be expected to form a single mass without any apparent breaks or gaps in the screen within five years of planting.

(f) The antenna and supporting tower shall be designed to simulate the appearance of any of the following:

[1] A flagpole;

[2] An evergreen tree; or

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[3] A brick-faced clock or bell tower.

(g) No freestanding antenna over 75 feet in height shall be located closer to any other freestanding antenna over 75 feet in height than 15 times the height of the higher antenna. No freestanding antenna less than or equal to 75 feet in height shall be closer to any other freestanding antenna than two times the height of the higher antenna.

(h) One off-street parking space shall be provided for every three cellular telecommunications service providers having facilities on the site, in addition to any other parking that is required on the property for other uses. Fractional space requirements shall be rounded up to the next higher whole number.

(4) Requirements for antennas mounted on an existing structure. In addition to any other applicable requirements of this chapter, the following requirements shall apply to cellular telecommunications antennas mounted on an existing structure:

(a) The existing structure shall be at least 40 feet in height.

(b) The antenna(s) shall be located at or near the top of the existing structure.

(c) The height of such antenna and related structures above the ground shall not exceed the height above the ground of the existing structure in the location of the antenna by more than 15 feet.

(d) The antenna and related structures shall be set back from the building facade a distance equal to or greater than the height of such antenna and related structures above the elevation of the building where the antenna and related structures are mounted.

(e) When visible from any abutting street or property, the antenna and related structures shall be screened, as much as possible without interfering with antenna transmission and reception, by materials that have the same color and finish as the building facade, or when mounted on the roof of a building with a sloped roof, have the same color and finish as the roofing material. If complete screening is not provided, the applicant shall have the burden of proving that the same is not possible without interfering with antenna reception and transmission.

(f) One off-street parking space shall be provided for every three cellular telecommunications service providers having facilities on the site, in addition to any other parking that is required on the property for other uses. Fractional space requirements shall be rounded up to the next higher whole number.

F. Renovation and conversion of a single existing structure so as to contain dwelling units as a conditional use. The renovation and conversion of a single existing structure so as to contain dwelling units shall only be permitted in the R-2A Residence District if all of the following requirements are met:

(1) Required site plan. A site plan shall be submitted and approved by the Planning Board as required in Article VII, and said plan shall show, in addition to all information required by Article VIII, that all standards established herein for the renovation and conversion of a single existing structure so as to contain dwelling units as a conditional use shall be complied with.

(2) New residential buildings prohibited. New buildings or additions to existing buildings which will contain dwelling units shall not be permitted within said R-2A Residence District; new

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buildings or additions in said district shall only be permitted for a use permitted in the R-2 District, and only after demolition of the existing single structure.

(3) Conversion of existing structure. Any existing structure within said R-2A Residence District may be renovated and converted so as to contain dwelling units, provided that there shall be no physical enlargement beyond the exterior walls of said existing structure, and further provided that all conditions as set forth in this subsection are complied with.

(4) Open spaces. All areas within the site which are not used for structures or off-street parking or recreational amenities, as approved by the Planning Board, shall be landscaped pursuant to a plan approved by the Planning Board, which plan shall show in detail the location, size and type of all plantings, including lawns, to be used on the site. All parking and service areas shall be screened so that said areas are shielded from residential areas adjacent to the site.

(5) Number of dwelling units permitted in existing structure. The number of dwelling units in an existing structure shall be limited to the quotient obtained by dividing the total gross floor area of the existing structure, expressed in square feet, by 1,135 square feet; any fraction in the quotient resulting from this calculation will be disregarded.

(6) Lighting. Yard lighting shall be provided during the hours of darkness to provide illumination for the premises and all interior sidewalks, walkways and parking areas thereon. All wiring shall be laid underground, and all lighting fixtures shall be arranged so that the direct source of light is not visible from any residential areas adjacent to the site.

(7) Architecture and construction. The architecture employed shall be esthetically in keeping with the existing structure and shall be subject to approval by the Planning Board. All structures shall be constructed in accordance with the building code.

(8) Renovation plans. The applicant shall submit to the Planning Board for review and approval, in addition to any and all other documents required by any other ordinance concerning site plan review, floor plans, elevations, drawings, color rendering and detailed finish schedules.

(9) Accessory structures. The exterior of any accessory structure shall harmonize architecturally with and be constructed of materials of a like character to those used in principal structures.

(10) Utilities. Each dwelling unit shall be connected to the public sanitary sewer and water systems as approved by the Village Engineer.

(11) Construction and maintenance of common facilities. The developer shall submit to the Planning Board, as a condition of site plan approval, such a master deed, declaration of restrictions, builder's agreement or other legal instrument which shall satisfy the requirements of the Planning Board with respect to the proper construction and maintenance of common facilities, common areas, landscaping, recreational areas and common improvements to be installed for the benefit of owners or residents of said dwelling units located in the single existing structure.

(12) Environmental impact statement. An environmental impact statement shall be prepared by a qualified expert acceptable to the Planning Board and submitted to the Planning Board for its approval, which statement will include an assessment, supported by competent engineering data, of the environmental impact relating to vehicular traffic, noise, storm drainage and sanitary sewer facilities.

(13) The Planning Board shall require entrances and exits to the site at locations and widths that will minimize traffic congestion and result in the best vehicular and pedestrian circulation pattern

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both on and abutting the site. The Planning Board may require the applicant to submit a traffic engineering study prepared by a licensed professional traffic engineer which will indicate the impact which the development of the site will have on surrounding roads. This traffic study shall include an analysis of estimated peak hourly traffic to be generated by the proposal and an assignment of estimated peak hourly traffic by percentage and volume to surrounding streets. If the results of the study indicate necessary off-site improvements of existing Village or county streets, the applicant shall contribute a prorated share of such improvements as determined by the Planning Board.

(14) Total impervious coverage of tract. Not more than 35% of the total tract area shall be covered by any impervious material, including but not limited to buildings, structures, driveways, parking areas, patios, walkways, game areas such as tennis courts, swimming pools and the like.

G. (Reserved)

H. Drive-in banks. Drive-in banks shall only be permitted in the B-2 Zone after the following requirements are met:

(1) A site plan shall be submitted and approved as required in Article VII, and said plan shall show, in addition to all information required by Article VIII, that all standards established herein for drive-in banks as a conditional use will be complied with.

(2) The nearest lot line of the lot or parcel of land shall be at least 300 feet, measured in a straight line, from the nearest lot line of any lot upon which is located any other drive-in bank.

(3) The minimum lot size shall be 18,000 square feet, and the minimum street frontage of such lot shall be 120 feet. If a drive-in bank is located on a corner lot, the minimum street frontage on each street shall be 120 feet.

(4) Entrance and exit driveways shall have an unrestricted width of not less than 20 feet nor more than 30 feet, shall be located not nearer than five feet from any lot line and shall be so designed as to avoid the necessity of any vehicle leaving the property by backing out across any public sidewalk, street or portion thereof.

(5) No part of any building or structure shall be located within 100 feet of any residential zone district boundary line.

(6) The minimum distance between driveways shall be 50 feet measured from the two closest driveway curbs.

(7) The minimum distance a driveway into the site shall be from a street intersection shall be 100 feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.

(8) All drive-in banks shall provide suitable storage of trash areas which are so designed and constructed as to allow no view of the trash storage from the street, to prevent waste from blowing around the site or onto adjacent properties or public rights-of-way and to permit safe easy removal of trash by truck or hand.

(9) All drive-in banks shall provide off-street parking at a ratio of at least one off-street parking space for every 150 square feet of gross floor area.

(10) A traffic impact statement shall be submitted by the applicant which will include an assessment,

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supported by engineering data, of the impact the proposed drive-in bank will have on the surrounding streets. This traffic study shall include, among other things:

(a) The estimated peak hourly traffic to be generated by the proposed drive-in bank.

(b) The assignment of estimated peak hourly traffic by percentage and volume to surrounding streets.

(c) The estimated peak hourly turning movements for all right and left turns into and leaving the banking facility.

(d) What impact the peak hourly traffic and turning movements would have on the abutting streets serving the banking facility.

(e) Any proposed solutions to the traffic problems that may be created or increased as a result of the construction or expansion or renovation of the drive-in bank.

(11) Notwithstanding any other provisions of this section, any existing bank establishment in the B-1 Zone that operates a drive-in banking facility on site shall be construed as having a nonconforming use for only that part of said establishment devoted to the drive-in banking facility.

I. Membership-based outdoor recreational club uses. "Membership-based outdoor recreational club" shall be defined as an organization, and its associated facilities, which is created for and designed to provide on-site outdoor recreational opportunities such as tennis, platform tennis, paddle tennis, racquetball, handball, squash, swimming and similar recreational activities primarily to the members of the organization and their guests. Such clubs shall be permitted in the R-125 Zone District only if all of the following requirements are complied with:

(1) The site shall contain a minimum of 10 acres.

(2) Any clubhouse or other similar principal building or structure shall have a gross floor area on the ground floor of no more than 10,000 square feet.

(3) Any clubhouse or other similar principal buildings or structures shall be limited to two stories and shall not exceed 30 feet in height.

(4) All buildings, roofed structures, shade shelters, parking areas and outdoor play areas shall be located at least 100 feet from an abutting property used for residential purposes. Buildings, shade shelters, and roofed structures shall meet the setbacks from other property lines as set forth in the zone regulations.

(5) The total land area to be devoted to outdoor games, courts and play areas shall not exceed 30% of the total area of the site.

(6) All outdoor activities to be conducted on the site shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

(7) The illumination of courts shall be permitted during the hours within which outdoor activities are permitted pursuant to Subsection I(6) above. Notwithstanding the height limitation for lighting in § 190-85D, such fixtures shall not exceed a height of 30 feet. Such lighting shall not be required to face downward but shall be oriented and shielded in such a manner as to avoid undue illumination of and directing glare onto adjacent properties, as determined by the Planning Board. All other lighting shall also conform to the requirements of § 190-85.

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(8) A one-hundred-foot buffer strip shall be provided adjacent to any abutting residential zones. Such buffer shall be landscaped, retained in a natural wooded condition, or both, as required by the Planning Board, and maintained in good condition. No above-grade structures shall be permitted within this buffer strip except a driveway and related improvements providing access to the property and any structures, such as fences, designed to enhance or supplement the function of the buffer area. All buildings, parking areas and outdoor play areas shall be effectively screened by a fence, wall or hedge, maintained in good condition, as approved by the Planning Board, on any side of the site which adjoins or faces premises situated in any residential zone, but such fence, wall or hedge may be waived by the Planning Board if, in its judgment, because of topographic or other conditions, such fence, wall or hedge shall not be necessary to screen adjoining or facing residential property.

(9) Notwithstanding any other provision of this chapter, the height of any fence enclosing an outdoor play area shall not exceed 12 feet.

J. Public utility facilities. Public utility facilities, as defined by this chapter and for which proof is furnished that the proposed installation in the specific location is necessary for the proper functioning of the public utility system and is designed primarily to serve the neighborhood in which the facility is to be located and/or the Village of Ridgewood, shall comply with the following requirements; provided, however, that this subsection shall not apply to public utilities exempted by § 190-2C and D:

(1) Prohibited facilities. The facility shall not include any of the following uses or structures:

(a) Terminal, parking facility, storage or maintenance facility for buses or railways.

(b) Electric substation.

(c) Natural gas transmission pumping facility or pressure reduction facility.

(d) Any facility relating to the collection, transfer, processing, storage or disposal of solid waste or vehicles engaged in the collection of solid waste.

(e) A hazardous waste site or any facility relating to the storage, transfer processing or disposal of hazardous waste.

(f) Cellular telecommunications antennas and related structures and equipment, which structures and equipment are regulated by § 190-123E.

(g) In residential zone districts, any facility that would typically generate more than 10 trips per day. For purposes of this requirement, a "trip" shall be considered each movement of a motor vehicle to the site or from the site via area streets.

(2) Height, bulk and intensity of use regulations. If public utility facilities are located in any residential zone, the following requirements shall apply:

(a) Maximum floor area ratio: 20% of the lot area.

(b) Maximum coverage by above-grade structures: 20% of the lot area.

(c) Maximum improvement coverage: 50% of the lot area.

(d) Maximum height of structures. The height of buildings and other roofed structures shall not exceed 25 feet.

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(e) Minimum front yard setback: as required in the zone for dwellings.

(f) Minimum side yard: the height of the building and other roofed structure or 20 feet, whichever is greater.

(g) Minimum rear yard: the height of the building and other roofed structure or 20 feet, whichever is greater.

(h) Minimum setbacks for other above-ground structures or equipment: the same as required for buildings and roofed structures.

(i) Minimum setbacks for driveways, parking areas and other vehicular use areas. Driveways, parking areas and other vehicular use areas shall be located at least 15 feet from the side and rear lot lines. Parking areas and other vehicular use areas shall be located at least 25 feet from front lot lines.

(j) The foregoing setback requirements shall not apply to any pipes, structures or equipment located beneath the surface of the ground.

(3) Exterior appearance of structures. The exterior appearance of any building or structure required for such use shall be compatible with the character of buildings or structures in the area in which the site is located, as determined by the Board.

(4) Buffer requirements. A buffer area having a depth of at least 10 feet shall be provided along the common boundary of the public utility facility and any adjacent residential property. Such buffer area shall be planted with screening vegetation and a solid fence, as approved by the Planning Board. In the front yard, the design of the buffer area may be modified, or the buffer may be eliminated entirely, as determined by the Board, in order to provide adequate sight distance for driveways or to maintain the residential streetscape in the neighborhood, while still providing an adequate buffer for adjacent residential properties.

§ 190-124. Special regulations for certain uses and structures.

In addition to all other applicable requirements of this chapter, the following requirements shall apply to the uses and structures specified below. The following uses and structures shall be permitted when so indicated in the specific zone regulations, and the following requirements shall not be construed to be conditional use requirements.

A. Residential cluster. Residential cluster may be permitted by the Planning Board in accordance with this chapter, provided that the following requirements shall supersede the requirements for conventional developments above. Where a different standard is not set forth below, the standards for conventional development shall apply.

(1) The provisions of § 190-48 shall be complied with.

(2) Every lot shall contain a minimum lot area of 12,600 square feet.

(3) Every lot shall contain a minimum lot width, measured at the minimum front yard setback line, of 90 feet; provided, however, that no lot shall measure less than 75 feet in width at any point within 140 feet of the front lot line.

(4) Every lot shall contain an average lot width of at least 90 feet, calculated so that the minimum lot area of 12,600 square feet shall be provided within 140 feet of the front lot line.

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(5) All land, other than building lots and roadways, resulting from and made available by the reduction of lot sizes pursuant to this subsection shall be reserved for open space. The amount of open space to be reserved shall be at least two acres unless the open space to be reserved abuts land already owned by the Village or by the Board of Education of the Village or land shown on the Master Plan or Official Map of the Village as park or school/park land.

(6) The Planning Board need not approve any subdivision employing open space zoning if, in its sole discretion, open space zoning would not be suitable for the orderly development of the area in which it is located or would not conform to the general pattern of the development of existing community facilities or school/park lands or the general pattern of the development of such facilities or school/park lands as shown on the master plan or Official Map of the Village.

B. Family day-care homes. Family day-care homes contained in a residence, when permitted, shall comply with the following requirements:

(1) There shall be no physical evidence of said use from the exterior of the residential building.

(2) Signs of any kind advertising the nonresidential use are prohibited.

(3) The remodeling of any residential building in any way to create the impression of business activity from the exterior of the residential building is prohibited.

(4) No family day-care home shall have the services of any person not residing therein.

(5) Any family day-care home shall be limited to the first floor of such residence and shall not occupy more than 25% of the habitable floor area of the residence or 50% of the habitable floor area on the ground floor, whichever is less.

C. (Reserved)[76]

D. Car rental establishments. Car rental establishments, when permitted, shall comply with the following requirements:

(1) The minimum lot size for any lot upon which any car rental establishment is located shall be 14,000 square feet.

(2) The minimum street frontage of such lot shall be 100 feet. If a car rental establishment is located on a corner lot, the minimum street frontage on each street shall be 100 feet.

(3) Entrance and exit driveways to and from any lot upon which is located a car rental establishment shall have an unrestricted width of not less than 16 feet nor more than 24 feet, shall be located not nearer than 10 feet from any lot line and shall be so laid out as to avoid the necessity of any vehicle leaving the property by backing out across any public sidewalk, street, highway, right-of-way or portion thereof.

(4) The area of all driveways and other areas over which motor vehicles are intended to be driven or parked on any lot upon which is located a car rental establishment shall be paved with a bituminous or concrete surface sufficient to meet the Village paving specifications applicable to streets and roadways.

(5) On any premises upon which a car rental establishment is located, all services or repairs to or for motor vehicles, other than such minor items as the changing and filling of tires or the filling

76. Editor's Note: Former Subsection C, pertaining to home professional offices, as amended, was repealed 4-13-2005 by Ord. No. 2933.

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of gasoline or oil, shall be conducted within the confines of a building capable of being wholly enclosed.

(6) No part of any building used as a car rental establishment and no filling pump or other service appliance, whether for gasoline, oil or any other combustible liquid or material, shall be erected within 10 feet of any side or rear lot line, and the ten-foot free area required hereunder shall be at all times kept free, open and unobstructed for the purposes of ready access by emergency fire and police vehicles.

(7) At any car rental establishment, storage facilities for gasoline, oil or other flammable materials in bulk shall be located wholly underground and no nearer than 35 feet from any lot line other than any street side line. No gasoline or oil pumps, oil or greasing mechanism or other service appliance installed for use at such premises shall be within 10 feet of any street side line, and no gasoline pump shall be located or permitted within any enclosed or semi-enclosed building.

(8) No part of any building or structure used in whole or in part as a car rental establishment shall be located within 100 feet of any boundary line of any residential zone district nor 300 feet, measured in a straight line, from the nearest lot line of any lot upon which is located a like car rental establishment.

(9) The area to be used for the parking of automobiles for rental shall not be more than two square feet of area for each square foot of all enclosed buildings having four walls and a roof devoted to the car rental operation.

E. Outdoor storage. The following regulations shall govern outdoor storage within the Village:

(1) In the R-125, R-110, R-1, R-2 and R-3 Residential Zones, and in other zones where a legal one-family or two-family dwelling exists, outdoor storage shall be permitted only as an accessory use to a one-family detached or two-family dwelling and shall be limited to private camping trailers, boats and boat trailers, garden tractors and implements, automobiles, motorcycles and motorbikes, except as otherwise provided below. Such storage shall comply with the following requirements:

(a) Outdoor storage shall be permitted in the side and rear yard.

(b) The item as stored shall not exceed six feet in height.

(c) The item shall be screened with a fence or screening hedge so that such item is not visible from any abutting residential property or street.

(d) Any items stored in the side yard shall not be permitted closer to the side lot line than the side yard setback requirements for a principal building on the same lot.

(e) Any of the permitted items enumerated in § 190-124E(1) that exceed a height of six feet, as well as any pickup or panel truck, mobile home, bus, van used for commercial purposes or recreation vehicle, may be stored on any residential lot only if such item shall be kept in an enclosed garage on such lot; provided, however, that the parking of any recreational vehicle outside a garage for up to five separate or consecutive days during a calendar year shall be permitted.

(2) Outdoor storage of any kind is prohibited in the residential zones, except for a legal one-family detached or two-family dwelling. **[Amended 8-9-2006 by Ord. No. 3015; 3-23-2016 by Ord. No. 3493]**

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(3) Nothing contained herein shall be construed as prohibiting parking of passenger vehicles used by the occupant for day-to- day activities, provided that such vehicles have side windows and are parked on the driveway. Trucks parked overnight shall be garaged.

(4) In all nonresidential zones, no article, equipment, vehicle, supplies or material shall be kept, stored or displayed outside the confines of any building unless and until the following regulations are complied with, except that outdoor cafes licensed by the Village and permitted by this chapter shall be exempt from the following requirements to the extent such exception is required to carry out the outdoor cafe business:

(a) Outdoor storage is only permitted in the side and rear yards.

(b) Any items stored in the side yard shall not be permitted closer to the side lot line than the side yard setback requirements for a principal building on the same lot.

(c) Outdoor storage shall be screened by special planting or fencing, maintained in good condition, so that items being stored shall not be visible from any adjacent property or public street. **[Amended 4-7-2010 by Ord. No. 3242]**

(d) Any fence required to screen the outdoor storage of flammable material otherwise permitted by this chapter shall not be closer than 20 feet to any property line of the lot upon which it is erected.

(5) Where otherwise permitted by this chapter, the display of new and used motor vehicles for retail sales as a permitted accessory use in the B-2 Zone District shall not be required to be screened by a planting or fence, except where the premises for such permitted use abuts or faces any premises situated in any residential zone. **[Amended 3-23-2016 by Ord. No. 3493]**

(6) Motor vehicles, recreational vehicles, boats and trailers parked or stored within the Village shall not be used for sleeping, bathing, toilet functions or the preparation of food, on either a permanent or temporary basis. **[Added 4-9-2008 by Ord. No. 3114]**

(7) Motor vehicles, recreational vehicles, boats and trailers parked or stored in the Village shall not be used for the storage of items or materials. Exempted from this prohibition is the storage of items or materials in such vehicles or equipment that are designed for this purpose, when such vehicles or equipment are accessory and incidental to the principal use on the property and are not prohibited by other regulations. By way of example, but not limitation, this subsection shall be interpreted to prohibit the storage of items or materials in a commercial vehicle or commercial trailer on a residential property, unless such commercial vehicle or trailer is permitted to be located on the property by other regulations of the Village. **[Added 4-9-2008 by Ord. No. 3114]**

(8) The storage of flammable, toxic or hazardous materials on property or in vehicles shall comply with all applicable regulations, including but not limited to the regulations of the New Jersey Department of Environmental Protection, the Village's Department of Health and the Fire Department. **[Added 4-9-2008 by Ord. No. 3114]**

F. Fences, freestanding walls and retaining walls. The following regulations apply to fences, freestanding walls and retaining walls. In addition, enclosures for swimming pools and hot tubs shall be required to comply with the requirements of the Uniform Construction Code of the State of New Jersey, in addition to the following regulations. In case of conflict between this subsection and the Uniform Construction Code of the State of New Jersey, the more restrictive requirement shall apply.

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[Amended 3-12-2003 by Ord. No. 2818; 9-11-2019 by Ord. No. 3730]

(1) Fences and retaining walls shall be permitted in front, side and rear yards. Unless required to be located in the front yard by this chapter for buffers or screening purposes, freestanding walls shall be permitted only in the side and rear yards, except that sitting walls and walls that are designed as a planter, either of which do not exceed a height of 24 inches, shall be permitted in the front yard. **[Amended 5-14-2008 by Ord. No. 3120; 6-13-2012 by Ord. No. 3343]**

(2) Minimum setback. The required setbacks for fences and walls shall be as follows: **[Amended 5-14-2008 by Ord. No. 3120]**

(a) Fences and freestanding walls may abut property lines without any setback required. Retaining walls may abut the front property line only without any setback required.

(b) The exposed face of retaining walls shall be set back from any side or rear lot line a horizontal distance not less than one foot for each foot of height of the retaining wall. For walls located five feet or less from the property line, the required setback shall be based upon the height of the retaining wall above the ground level at the property line. For other walls, the required setback shall be based upon the height of the retaining wall above the finished ground level at the base of the wall.

(c) In the case of multiple retaining walls, the exposed face of each wall shall be set back from the exposed face of each other wall a horizontal distance not less than one foot for each foot of height of the higher retaining wall. The required distance between walls shall be based upon the vertical difference between the top of the wall above and the top of the wall directly below. In the case of walls of varying height, the setback at any point shall be based upon the height of the wall at the same point.

(d) For purposes of determining the required minimum setback, the height of any fence or other barrier located at the top of a retaining wall shall be included within the height of the retaining wall unless such fence or other barrier is set back from the face of the wall a horizontal distance not less than one foot for each foot of height of the barrier or the retaining wall, whichever is greater, measured from the finished grade at the base of the barrier and wall, respectively.

(3) Maximum height. The maximum permitted height of fences, freestanding walls and retaining walls shall be as follows: **[Amended 12-13-2006 by Ord. No. 3034; 5-14-2008 by Ord. No. 3120]**

(a) The height of fences and freestanding walls accessory to single-family detached dwellings, two-family dwellings, community shelters and residences, and any other uses that are subject to the same requirements as the foregoing uses, shall not exceed four feet; provided, however, that a height of up to six feet shall be permitted for such fences and freestanding walls if all of the following conditions are complied with: **[Amended 4-12-2017 by Ord. No. 3591]**

[1] The fence or freestanding wall is located at or near a property line that abuts a property developed primarily with a nonresidential use, multifamily dwelling or single-family attached dwelling, or the fence is a required enclosure for a regulated pool, provided that in the event the pool is removed or is no longer required to be enclosed, such fence shall be removed, reduced in height or otherwise brought into compliance with Chapter 190.

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[2] The fence or freestanding wall is located in the side and/or rear yard of the subject property.

(b) The height of fences and freestanding walls accessory to single-family attached dwellings, multifamily dwellings and nonresidential uses shall not exceed four feet, unless such fence or freestanding wall is required by § 190-94D and approved by the Planning Board or Board of Adjustment and is located within the side or rear yard, in which case the height shall not exceed six feet, except as may be provided otherwise by this chapter. In addition, a height of up to six feet shall be permitted for fences and freestanding walls that are accessory to single-family attached dwellings and multifamily dwellings if all of the following conditions are complied with: **[Amended 4-12-2017 by Ord. No. 3591]**

[1] The fence or freestanding wall is located at or near a property line that abuts a property developed primarily with a nonresidential use, or the fence is a required enclosure for a regulated pool, provided that in the event the pool is removed or is no longer required to be enclosed, such fence shall be removed, reduced in height or otherwise brought into compliance with Chapter 190.

[2] The fence or freestanding wall is located in the side and/or rear yard of the subject property.

(c) The height of retaining walls shall not exceed four feet, measured from the finished ground level at the base of the wall. In the case of multiple retaining walls, the following shall apply:

[1] The height of any individual wall shall not exceed four feet.

[2] The height of any wall located uphill from a lower wall shall be measured from the top of the lower wall, unless the exposed faces of the two walls are separated by a horizontal distance equal to or greater than the elevation difference between the tops of the two walls. In the latter case, the height of the uphill wall shall be measured from the finished ground level at the base of the wall.

[3] The total height of all walls combined shall not exceed 12 feet within a horizontal distance of 20 feet. The twelve-foot height shall be measured from the finished ground level at the base of the lowest wall within 20 feet.

(d) In determining the height of fences, freestanding walls and retaining walls, the following shall apply:

[1] For fences and walls that are not uniform in height along the top of the fence, the height shall be measured to the highest point of the fence, except as provided otherwise herein.

[2] Notwithstanding the maximum height limitations applicable to fences and walls herein, fence posts and gates may exceed the maximum permitted fence height by up to one foot.

[3] For fences and walls located on sloping ground, the height shall be measured from the ground directly below the point of measurement.

[4] The height of fences and freestanding walls shall be measured as set forth in § 190-119D(6).

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[5] In the case of fences, guard rails or other barriers located at the top of retaining walls, the combined height of the barrier and the retaining wall shall not exceed the permitted height for either fences or walls, unless the barrier and wall are separated as provided in Subsection F(2)(d) above.

(4) Sight distance. No fence, freestanding wall or retaining wall shall be located on any property in any way which interferes with necessary safe sight distance for either operators of vehicles or pedestrians at intersections of streets, driveways, access aisles for parking or loading areas, and/or sidewalks, or which interferes with necessary safe sight distance along horizontal curves of streets. The following shall apply:

(a) The Village Engineer shall be responsible for determining the appropriate sight distance in each case, and shall take into account the horizontal alignment of traveled ways, topographical conditions, the normal speed of travel, the presence of existing visual obstructions, and other such characteristics that they may deem appropriate.

(b) Notwithstanding the permitted height, location and design of fences, freestanding walls and retaining walls set forth in this chapter and in other regulations, the Village Engineer may require more stringent requirements as may be necessary to ensure safe sight distance.

(5) Safety barriers. The reviewing authority may, in appropriate instances, require a guard rail or other restraining device at the top of retaining walls if deemed necessary or advisable to protect persons, vehicles or equipment from falling off the wall.

(6) Materials and construction. The following standards shall apply to the materials and construction of fences and walls.

(a) In the event that both sides of a fence or freestanding wall are not identical, the finished or preferred side shall be required to face the street and/or abutting properties, as applicable. For purposes of administering this provision, the finished or preferred side shall be that side which best conceals the fence posts, rails and other supporting parts, and/or which is painted, stained or otherwise treated when only one such side is so treated.

(b) Walls shall not be faced with unfinished, painted or stained poured concrete, concrete block or cinder block, unless the same is textured to simulate natural stone or is split-face block.

(c) Fences located within the front yard shall not be more than 60% solid, unless required by this chapter for buffers or screening purposes, in which case fences may be completely solid. The measurement of solidity shall be made perpendicular to the side of the fence. In addition, fences located within the front yard shall not be more than six inches thick. **[Amended 6-13-2012 by Ord. No. 3343]**

(d) Fences, freestanding walls or retaining walls that may present a danger or hazard to the public welfare, including but not limited to fences or walls, which are electrified, contain broken glass, razor wire or barbed wire, or other sharp edges, are prohibited.

(7) Swimming pool enclosures shall be required to comply with § 251-17, in addition to the provisions of this subsection not in conflict with § 251-17.

(8) Recreational facility enclosures other than swimming pool enclosures shall be required to comply with § 190-124G(4), notwithstanding the provisions of Subsection F(2) and (3) above.

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G. Recreational facilities for single-family detached or two-family residential uses. Recreational facilities basketball courts, handball courts, paddleball courts, platform tennis courts, racquetball courts, tennis courts and similar recreation facilities accessory to single-family detached or two-family residential uses and designed to serve the residents on the premises, when permitted, shall comply with the following requirements. Notwithstanding the above, basketball equipment which utilizes a permitted driveway on the lot as the play surface is permitted in the same zone districts as the foregoing recreational facilities, but is not subject to the following requirements; provided, however, that such equipment shall be set back from any property line a distance equal to or greater than the height of the equipment above grade. **[Amended 5-13-1996 by Ord. No. 2565; 6-7-1999 by Ord. No. 2670; 3-23-2016 by Ord. No. 3493]**

(1) The recreational facilities shall be permitted only in the rear yard.

(2) Notwithstanding any other provision of the specific zone regulations to the contrary, the total coverage by improvements, including said recreation facilities, shall not exceed 40% of the rear yard area.

(3) The recreational facility shall not be closer than 15 feet from any side or rear property line or 25 feet from any principal structure on any abutting lot, whichever is greater. On corner lots, the recreational facility shall be set back from the side street a distance at least equal to the front yard setback requirement of the zone district in which the subject lot is located or to the established front yard setback of the lot adjacent to the rear lot line of the lot on which the recreational facility is located, whichever is greater.

(4) The maximum height of the fence enclosure, if there is one, shall be 10 feet from ground level. Fence enclosures shall be of chain link construction and must include a top rail.

(5) No artificial lighting is permitted.

(6) In addition to the enclosure fencing, if any, the recreational facility shall be screened from adjoining property and from view from the adjoining streets by the installation and maintenance of landscape plantings of sufficient density, at least six feet in height.

H. Playhouses, tree houses and similar temporary recreational structures for children. Playhouses, tree houses and similar temporary recreational structures for children, when permitted, shall comply with the following requirements:

(1) The structures are only permitted in the rear yard.

(2) The structures shall comply with the provisions regulating accessory structures in § 190-119C(1).

(3) The structures shall not contain a gross floor area greater than 64 square feet.

(4) The height of the structures shall not exceed 10 feet measured from the floor to the ridgeline or highest point of said structure or 20 feet above the ground.

(5) The structures shall be located at least 12 feet from any principal building situated on the same lot.

(6) The structures shall not be erected without first obtaining a building permit which will permit the construction and occupancy for a three-year period to commence at the date of issuance. The occupancy permit may be renewed for additional three-year periods after application to and

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inspection by the Director of Building and Inspections.

I. Gasoline storage tanks and related equipment. Gasoline storage tanks of any type and pumps and equipment related thereto shall be permitted as an accessory use only in the B-2 and C Commercial Zone Districts. Each such installation must comply with the provisions of §§ 190-123A(9) and (10) and 190-124D(6) and (7), as applicable, as to location.

J. Security gates. Folding gates and screens or movable tracked doors and similar nighttime guards on store fronts or other nonresidential buildings for the purposes of night security are prohibited. Existing folding gates, screens or movable tracked doors and similar nighttime guards as hereinabove referred to are hereby designated objectionable nonconforming structures and are required to be removed by the owner or occupant of said structure within one year from the date of adoption of this amendment.

K. Awnings. Awnings shall comply with the following regulations: **[Amended 4-12-2017 by Ord. No. 3591]**

(1) In the B-1 and B-2 zones, no awning shall extend from the wall of the building to which it is attached more than eight feet.

(2) Awnings in the B-1 and B-2 zones may extend into the public right-of-way; provided, however, that no awning shall extend over a public sidewalk more than four feet. No awning shall extend into the public right-of-way in any zone district except in the B-1 and B-2 zones.

(3) All awnings shall be made of fabric material such as canvas, exclusive of the structural members. Any awning in the B-1 and B-2 zones that projects into a public right-of-way shall be retractable with a mechanism fully capable of being operative on a daily basis if needed.

(4) The bottom of any part of any awning shall be no closer than seven feet from the grade below the awning when such awning is located over a pedestrian way, or a dimension greater than seven feet, as determined by the reviewing Board or official, as applicable, when the awning is located over a vehicular travel path.

L. Canopies. Canopies shall comply with the following regulations: **[Amended 4-12-2017 by Ord. No. 3591]**

(1) In the B-1 and B-2 zones, canopies shall not extend more than eight feet from the wall of a building.

(2) Canopies shall not extend into any public right-of-way.

(3) No canopy shall be constructed closer than 12 inches to the vertical extension of the curb line of the street.

(4) No canopy shall extend past any required setback line affecting the building to which it is affixed.

M. Exterior equipment. Mechanical equipment and tanks located outside of a building, including but not limited to air-conditioning equipment, heat exchangers, fans, compressors, propane tanks and oil tanks, generators, condensers and similar equipment, shall be subject to the following regulations: **[Amended 4-12-2017 by Ord. No. 3591; 11-8-2023 by Ord. No. 3973]**

(1) The installation of such exterior equipment shall require the issuance of a zoning permit.

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(2) Such equipment shall comply with the minimum required front yard setback for principal buildings, or with an established nonconforming front yard setback, and shall be screened from the view of adjacent properties and streets; provided, however, that the screening requirement shall not apply to window-mounted equipment such as fans and window air conditioners.

(3) Such equipment shall be set hack at least 10 feet from any residential property line.

(4) Exterior equipment located on the roof of a building shall be subject to the requirements of § 190-124P.

(5) Replacement of existing exterior equipment in nonconforming locations shall be permitted, provided neither the footprint, nor the height of the equipment increases by greater than 10% and that screening from view of adjacent properties and streets is maintained.

N. Amateur radio stations. Amateur radio stations shall be permitted as an accessory use to all permitted residential principal uses in the Village, subject to the following requirements: **[Added 10-13-1998 by Ord. No. 2643]**

(1) The applicant shall obtain a zoning permit from the Zoning Officer, which shall include submission of adequate plans and supporting materials to demonstrate compliance with this chapter and with all other applicable codes and regulations.

(2) The applicant, who shall reside at the premises in question, shall submit a valid current amateur radio operator's license from the Federal Communications Commission. Such license must be maintained at all times that the antenna and supporting structures are installed. License renewals shall be filed with the Zoning Officer. If at any time the license expires and is not renewed, or the licensee no longer resides at the premises, the antenna and any supporting structures shall be removed within 30 days of such license expiration or change of residency.

(3) No more than one amateur radio station shall be permitted on a lot or accessory to a dwelling.

(4) The height of the antenna and any supporting structures shall not exceed 45 feet, such height to be measured as set forth in § 190-119D(6). In determining the height of the antenna and supporting structures, the extended height shall be used for antennas which use a telescoping or extendible design. **[Amended 5-14-2008 by Ord. No. 3120]**

(5) If freestanding or mounted on any structure other than a roof of the principal building, all parts of the antenna and supporting structures shall be located only in the rear yard and shall be set back from any property line a distance equal to or greater than the height of the antenna and supporting structures.

(6) If mounted on the roof of the principal building, the antenna and supporting structures shall be set back from the building facade a distance equal to or greater than the height of such antenna and related structures above the elevation of the building where the antenna and related structures are mounted, or as required by the Construction Code, whichever is more restrictive. The antenna and supporting structures shall also be located so as to minimize the view of the same from any street, as determined by the Zoning Officer.

(7) If the station is capable of exceeding 50 watts of transmitting power (aka "peak envelope power"), the applicant shall be required to demonstrate that all applicable regulations concerning electromagnetic radiation shall be complied with.

(8) Variances from the foregoing regulations may be granted by the Planning Board or Zoning

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Board of Adjustment, as applicable, provided that the applicant demonstrates that such variance is necessary to reasonably accommodate adequate amateur radio communications while balancing the legitimate community interests of aesthetics and safety, in accordance with PRB-1 of the Federal Communications Commission, 101 FCC 2d 952 (1985), and 47 CFR 97.15(e).

O. Antennas accessory to principal use. Antennas which meet the definition of "accessory building or structure" in § 190-3 are permitted in all zone districts as an accessory structure, subject to the following regulations; provided, however, that this subsection shall not apply to cellular telecommunications antennas and amateur radio stations, which are regulated by §§ 190-123E and 190-124N, respectively. The following requirements are intended to reduce the negative visual impacts from antennas and to provide for public safety. Notwithstanding the foregoing, the Planning Board or Zoning Board of Adjustment, as applicable, shall in any appeal balance the objectives sought by the requirements against the extent to which the regulations materially limit transmission or reception by the antenna or imposes more than a minimal cost on the antenna owner. **[Added 10-13-1998 by Ord. No. 2643]**

(1) Exemption of certain antennas from regulations. Pursuant to the 1996 ruling of the Federal Communications Commission (FCC), the following antennas are exempt from the provisions of this chapter:

(a) A transmission satellite dish no greater than one meter (39.37 inches) in diameter.

(b) A receive-only satellite dish greater than one meter (39.37 inches) and less than or equal to two meters (78.74 inches) in diameter and located in a nonresidential zone district.

(c) A transmission satellite dish no greater than two meters (78.74 inches) in diameter and located in a nonresidential zone district.

(2) Limited applicability of regulations involving certain antennas. Pursuant to the 1996 ruling of the Federal Communications Commission (FCC), the provisions of this chapter shall apply to the following antennas only to the extent such provisions do not impair the installation, maintenance or use of such antennas. The determination regarding such impairment shall be made by the Zoning Officer and may be appealed in accordance with the procedures set forth in § 190-29.

(a) Antennas designed to receive direct broadcast satellite service (DBS), including direct-to-home satellite service, and no greater than one meter (39.37 inches) in diameter.

(b) Antennas designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services (MMDS), instructional television fixed services and local multipoint distribution services, and no greater than one meter (39.37 inches) in diameter or diagonal measurement, provided that, if such antennas are located on a mast, the mast is 12 feet or less in height.

(c) Antennas designed to receive television broadcast signals (TVBS), provided that, if such antennas are located on a mast, the mast is 12 feet or less in height.

(3) Freestanding antennas. The following requirements shall apply to freestanding antennas regulated by this Subsection O:

(a) No lot may contain more than one freestanding antenna.

(b) Freestanding antennas shall only be permitted is the rear yard.

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(c) Freestanding antennas shall be effectively screened by a special planting screen or fence as determined by the reviewing authority to be necessary to minimize the view of the antenna from any adjacent property or public street.

(d) Freestanding antennas shall be set back from all lot lines a distance equal to or greater than the height of the antenna.

(e) The height of a freestanding antenna shall not exceed 45 feet above the ground at the base of the antenna, exclusive of any filling, berming, mounding or excavating which alters the grade at the base of the antenna from the grade in the general vicinity of the antenna; provided, however, that the height of freestanding satellite dish antennas shall not exceed 15 feet above the ground.

(f) The diameter or diagonal dimension of freestanding satellite dish antennas shall not exceed one meter (39.37 inches) in any residential zone district or two meters (78.74 inches) in any nonresidential zone district.

(4) Roof-mounted antennas. The following requirements shall apply to roof-mounted antennas regulated by this Subsection O:

(a) If mounted on the roof of the principal building, the antenna and supporting structures shall be set back from the building facade a distance equal to or greater than the height of such antenna and related structures above the elevation of the building where the antenna and related structures are mounted, or as required by the Construction Code, whichever is more restrictive. The antenna and supporting structures shall also be located so as to minimize the view of the same from any street, as determined by the Zoning Officer.

(b) The height of any roof-mounted antenna shall not exceed the height of the roof by more than 12 feet.

P. Roof-mounted equipment. Equipment mounted on the roof of a nonresidential building, including but not limited to heating, ventilating and air-conditioning equipment, shall be subject to the following requirements: **[Added 10-13-1998 by Ord. No. 2643]**

(1) A zoning permit shall be required. **[Amended 4-7-2010 by Ord. No. 3242]**

(2) Such equipment shall be set back from the building facade a distance equal to or greater than the height of such equipment above the elevation of the building where the equipment is mounted, or as required by the Construction Code, whichever is more restrictive.

(3) The equipment shall be located so as to minimize the view of the same from any street or adjoining property and may be required, when appropriate, to be screened by materials that are the same or compatible with the building facade or roof materials, as determined by the Board or the Site Plan Exemption Committee, as applicable. **[Amended 4-7-2010 by Ord. No. 3242]**

(4) The Board or the Site Plan Exemption Committee, as applicable, may require, when appropriate, that detrimental impacts from noise, odors, smoke, etc., produced by the equipment be properly mitigated. **[Amended 4-7-2010 by Ord. No. 3242]**

Q. Home office uses. **[Added 6-9-2004 by Ord. No. 2882]**

(1) The purposes of this subsection are to:

(a) Permit, on a limited basis, certain home offices as described in this subsection. The

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permitted home offices shall be incidental to the residential uses of the premises, compatible with residential uses, and limited in extent, degree and time. The permitted conduct under this subsection shall not detract from the residential character and quality of the neighborhood.

(b) Protect residential areas from any adverse impacts associated with home offices and protect residential property values.

(c) Ensure that the health, safety and welfare of neighbors and residents are protected and that those rights are not compromised in any manner whatsoever by the operation of the particular home office.

(d) Establish performance criteria and standards for home offices that will provide fair and equitable administration and enforcement of this subsection.

(2) "Home office" is defined as follows:

HOME OFFICE — Any nonresidential office activity conducted or engaged in by a person within the residential dwelling occupied as his or her permanent residence for financial gain or as a volunteer or otherwise without monetary compensation. A home office is an accessory use to the primary use of the property, which is residential.

(3) The following standards shall govern home offices:

(a) The gross floor area devoted to the home office shall not exceed 25% of the gross floor area of the dwelling, or 500 square feet, whichever is less.

(b) The permitted home office shall be accessed only from the residential area of the home, and there shall not be a separate entrance from the home office area to the outside of the home.

(c) The permitted home office shall utilize only typical office equipment, e.g., telephones, computers, typewriters, fax machines and copying machines. The permitted home office shall utilize only typical office supplies necessary to operate the permitted office equipment.

(d) The operation of the home office shall not be evident from the exterior of the home. As an example, there shall be no signs, on-site parking or architectural features that would indicate a nonresidential use.

(e) The permitted home office shall not be visited by customers or clients and shall only be visited by persons making routine deliveries or service calls to service the permitted equipment.

(f) No inventory shall be stored in the residential premises or in the area dedicated to the home office. "Inventory" is defined as follows: "personal property intended for sale or delivery to another party."

(g) No commercial vehicles of any nature shall be parked either on-site or off site, except for the purpose of making a permitted delivery or service call.

(h) No signs shall be permitted on the exterior or interior of the home, which shall advertise or indicate the location of the home office. The only permitted sign shall be that to identify the residence as set forth in § 190-122C(1) of the Village Code.

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(i) The permitted home office shall not conduct on-site wholesale or retail sales of any nature, unless conducted via telecommunications equipment, and not involve the shipment or delivery of merchandise to or from the location housing the home office.

(j) The permitted home office shall only be conducted by or employ or utilize as assistants, whether for gain or not, residents of the home, and such home shall be their permanent legal residence.

R. General regulations for inclusionary housing developments. Any inclusionary development shall be subject to the following requirements, in addition to the requirements of the zone district within which the development is located and all other applicable requirements of this chapter. In case of conflict between the following requirements and the requirements of this chapter, the following requirements shall supersede the requirements of this chapter. **[Added 5-12-2004 by Ord. No. 2891; amended 12-12-2007 by Ord. No. 3090; 3-23-2016 by Ord. No. 3493; 11-9-2020 by Ord. No. 3818]**

(1) Building height in the B-1 and B-2 Zone Districts. The maximum building height permitted for any inclusionary development in the B-1 or B-2 District shall be 50 feet.

(2) Floor area ratio in the B-1 and B-2 Zone Districts. The maximum floor area ratio permitted for any inclusionary development in the B-1 and B-2 District shall be 75%.

(3) The maximum permitted density for development in the B-1 or B-2 district shall be 18 du/ac. The required affordable housing set-aside for any type of development is 15% where the affordable units shall be for rent, and 20% where the affordable units shall be for sale. Fractional affordable housing units shall be rounded down where the fraction is 0.49 units or less and rounded up where the fraction is 0.50 units or greater.

(4) Affordable housing units shall comply with the Village's affordable housing regulations in Article XII and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this section, provided that a minimum of 13% of the total low- and moderate-income units shall be affordable to very-low-income households (i.e., 30% or less of median income).

S. Residential decks, patios and related improvements. Decks, patios, gazebos and similar structures, as well as related improvements, including but not limited to fireplaces, fire pits, barbecues, hot tubs, and similar recreational improvements accessory to a residential dwelling shall be subject to the following requirements: **[Added 4-12-2017 by Ord. No. 3591; amended 11-8-2023 by Ord. No. 3973]**

(1) Such improvements shall be located only in the side and/or rear yards, and shall be prohibited in the front yard.

(2) Where such improvements are no more than 12 inches above the adjacent grade, they shall be set back from the side and rear lot lines a distance not less than 10 feet.

(3) Where such improvements are greater than 12 inches above the adjacent grade, they shall be set back from the side lot line the distance required for a principal structure in the zone and shall be set back from rear lot lines a distance not less than 10 feet.

T. Residential swimming and wading pools. Swimming and wading pools defined as "regulated pools" in § 190-3 and which are accessory to a residential dwelling shall be subject to the following requirements: **[Added 4-12-2017 by Ord. No. 3591]**

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(1) Such pools, including any decking or patio adjacent to the pool, shall be prohibited in the front yard, and shall be located from the front lot line a distance not less than the minimum front yard depth, whichever is more restrictive.

(2) Such pools, including any decking or patio adjacent to the pool, shall be set back from the side and rear lot lines a distance not less than 10 feet. The foregoing requirement shall not apply to portable-type wading pools.

(3) Fence enclosures for such pools shall comply with the applicable requirements in § 190-124F and in Chapter 251, Swimming Pools.[77] In case of conflict between the enclosure provisions of Chapter 251 and the requirements of § 190-124F, the provisions of Chapter 251 shall apply.

§ 190-125. Historic preservation.

The following provisions shall apply to all applications for development involving property located within an historic district or historic site designated by this chapter, except as otherwise provided by this chapter:

A. Design criteria and guidelines for rehabilitation projects. In regard to all applications for development and reports on preservation permits pursuant to this chapter, the Historic Preservation Commission shall be guided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1990), as may hereafter be amended; provided that where these provisions conflict with the other provisions of this chapter, said other provisions shall control. The current version of the Secretary of the Interior's standards are incorporated herein as follows:

(1) New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

(2) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(3) Construction of historic designs that were never built shall not be undertaken.

(4) New additions, alterations or new construction in a historic landscape shall be visually differentiated from the old and shall be compatible with the historic character of the landscape.

(5) Replacement of missing historic plant material or vegetation features shall be substantiated by documentary or physical evidence. The replacement plant material or features shall match the historic appearance, function and, where possible, species or variety.

(6) A property shall be used for its historic purpose or shall be placed in a new use that requires minimal change to the defining characteristics of the property and its environment.

(7) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(8) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or historic features from other properties shall be avoided.

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77. Editor's Note: Former Ch. 251, Swimming Pools, was repealed 4-12-2017 by Ord. No. 3591.

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(9) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(10) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(11) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary or physical evidence.

(12) Chemical or physical treatments, such as sandblasting that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(13) Significant archeological resources shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

B. Criteria and guidelines for new construction/visual compatibility standards. In regard to all applications for development and reports on preservation permits pursuant to this chapter, the Historic Preservation Commission shall be guided by the standards set forth herein in determining the compatibility of a building, structure or appurtenance thereof with the buildings and places to which they are visually related, provided that where these provisions conflict with the other provisions of this chapter, said other provisions shall control. The following standards shall be known as "visual compatibility factors."

(1) Height. The height of the proposed building shall be visually compatible with adjacent buildings.

(2) Proportion of building's front facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings and places to which it is visually related.

(3) Proportion of openings within the facility. The relationship of the width of windows to the height of windows in a building shall be visually compatible with the buildings and places to which it is visually related.

(4) Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with the building and places to which it is visually related.

(5) Rhythm of spacing of buildings on streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.

(6) Rhythm of entrance and/or porch projections. The relationship of entrance and porch projections to the street shall be visually compatible with the buildings and places to which it is visually related.

(7) Relationship of materials, texture and color. The relationship of materials, texture and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related. Bright or brilliant colors shall be used only for accent and shall not substantially depart from the character of existing neighborhood colors

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so as to detract from the overall appearance of the neighborhood.

(8) Roof shapes. The roof shape of a building shall be visually compatible with buildings to which it is visually related.

(9) Walls of continuity. Appurtenances of a building such as walls, open-type fencing and evergreen landscape masses shall form cohesive walls of enclosure along a street, to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.

(10) Scale of building. The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.

(11) Directional expression of front elevation. A building shall be visually compatible with buildings and places to which it is visually related in its directional character, whether this is vertical character, horizontal character or nondirectional character.

C. Demolition or relocation. In regard to an application to demolish or move an historic building, site, place or structure, the following matters shall be considered:

(1) Its historic, architectural, cultural and aesthetic significance.

(2) Its current and potential use for those purposes currently permitted by the Zoning Ordinance or for the use proposed.

(3) Its importance to the municipality and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest.

(4) The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty.

(5) The extent to which its retention would increase property values, promote business, create new positions, attract tourists, students, writers, historians, artists and artisans, attract new residents, encourage study and interest in American history, stimulate interest and study in architecture and design, educate citizens in American culture and heritage or make the municipality a more attractive and desirable place in which to live.

(6) The probable impact of its removal upon the ambiance of the historic district.

(7) The structural soundness and integrity of the building and the economic feasibility of restoring or rehabilitating the structure so as to comply with the requirements of the Uniform Construction Code of the State of New Jersey.

(8) The compelling reasons for not retaining the structure or improvement at its present site, the proximity of the proposed new location and its accessibility to residents of the municipality and the probability of significant damage to the structure or improvement as a result of the relocation. In addition, the Historic Preservation Commission shall consider the compatibility, nature and character of the current and the proposed surrounding areas as they relate to the intent and purposes of this chapter and whether the proposed new location is visually compatible in accordance with the standards set forth herein.

(9) The compatibility, nature and character of the current and the proposed surrounding areas as they relate to the intent and purposes of this chapter in accordance with the standards set forth

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herein.

D. Property maintenance. In the event that an historic site or a building or structure located in the Historic District is not maintained in accordance with the provisions of the existing Property Maintenance Ordinance of the Village of Ridgewood, Chapter 223 of the Village Code, then the property owner shall be responsible pursuant to the terms of the Property Maintenance Ordinance and the BOCA Existing Structure Code.

E. Design guidelines for Village Center Historic District. In addition to the other provisions of this § 190-125, all applications for development within the Village Center Historic District shall be required to comply with the design guidelines contained in the report entitled "Design Guidelines for the Village Center Historic District, Village of Ridgewood, New Jersey," dated May 2006 and prepared by T. Robins Brown for the Ridgewood Historic Preservation Commission. **[Added 10-10-2007 by Ord. No. 3082]**

§ 190-126. Nonconforming uses and structures.

The following provisions shall apply to uses and structures which lawfully existed prior to the adoption of the zoning regulations, Article X of this chapter, or any amendment thereof, but which do not presently conform to this article or amendment thereof:

A. Continuation permitted. Any nonconforming use or structure which lawfully existed at the time of adoption of this chapter or any amendment thereto may be continued upon the lot or in the structure so occupied. Any such nonconforming structure may be restored or repaired in the event of partial destruction thereof, as provided in Subsection E below.

B. Subdivisions involving the same. No lot containing a nonconforming use shall be subdivided so as to reduce the lot area of such lot. No lot containing a nonconforming structure shall be subdivided so as to increase the degree or extent of the nonconforming condition.

C. Expansions or alterations. The following provisions shall apply to the expansion or alteration of nonconforming structures or uses:

(1) Any nonconforming use or structure which is nonconforming because of use shall not be enlarged, extended or structurally altered in any manner whatsoever.

(2) No nonconforming structure may be altered if the alteration would increase the degree or extent of the nonconforming condition or would create any condition on the property that would not be in conformance with this chapter.

(3) A nonconforming use or structure changed or altered to a conforming use or structure may not thereafter be changed back to a nonconforming use or structure.

(4) A nonconforming use or structure shall not be changed or altered to diminish the nature, degree or extent of the nonconforming condition in one location while simultaneously increasing the nature, degree or extent of the nonconforming condition in another location on the property.

D. Abandonment of nonconforming uses. Notwithstanding the provisions of Subsection A above, in the event that there shall be an abandonment of any nonconforming use, such use shall not be permitted to continue. For purposes of administering this chapter, a nonconforming use shall be presumed to be abandoned if such use shall have ceased to operate for a period of 12 consecutive calendar months, absent a showing by the property owner and a finding by the Zoning Board of Adjustment that the use has not been abandoned, notwithstanding the cessation of operation. Any such hearing on

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abandonment shall be processed as an appeal pursuant to § 190-29.

E. Restoration or repairs. Nothing in this section shall prevent restoration or continuance of a nonconforming building or structure which is partially destroyed by fire, explosion, act of God or of any public enemy or the like. "Partial destruction" shall be defined as any destruction of less than 50% of the area or volume, whichever is more restrictive, of the whole building or structure at the time of the partial destruction. If, however, any such building or structure shall be destroyed in excess of 50% of the area or volume of the whole building or structure at the time of such destruction, then after any permitted reconstruction, the same may be used only in such manner as to conform to all the requirements, terms and conditions of this chapter.

F. Approved projects. Nothing in this section shall require any change in plans, construction or designated use of a structure or building for which a preliminary site plan and/or subdivision has been approved, provided that the use and/or structure conforms to the terms of the approved plan, and provided that the period of protection provided by this chapter from changes in the zoning regulations has not expired.

G. Application for certificate of nonconforming status. The prospective purchaser, prospective mortgagee or any other person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming. The applicant shall have the burden of proof. Application pursuant to this subsection may be made to the Zoning Officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming or at any time to the Zoning Board of Adjustment. Fees as required by this chapter shall accompany any such application. Denial by the Zoning Officer of such application shall be appealable to the Zoning Board of Adjustment and shall be processed as an appeal pursuant to § 190-29.

H. Conversion to conforming use. The conversion of an existing structure from a nonconforming use to a use permitted in the zone district in which such structure is located shall be subject to the same regulations as are new structures, except that notwithstanding the required parking provisions of § 190-121, conversions may be exempted by the Planning Board from furnishing such required additional off-street parking if the applicant can clearly demonstrate to the Planning Board's satisfaction that the same is a physical impossibility. No such conversion, however, shall reduce the number of existing parking spaces or the area of the premises in question available for such use.

I. Nonconforming signs. In addition to the provisions of this section, nonconforming signs shall be subject to the provisions of § 190-122B(3).

§ 190-127. Nonconforming lots.

The following provisions shall apply to any lot which lawfully existed at the time of the adoption of the zoning regulations or any amendment thereto, but which presently does not conform to the zoning requirements for lot area, lot width, lot frontage or lot location:

A. Such lots may be used for any use permitted in the district in which it is located, subject to the following requirements:

(1) At the time of and since the adoption of the zoning regulation making such lot nonconforming, the owner of the lot shall not have owned any adjoining property; or the lot must be part of a recorded subdivision approved by the Planning Board or the Zoning Board of Adjustment; and

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(2) All other applicable zoning regulations besides lot area, lot width, lot frontage or lot location must be complied with.

B. Such lots shall not be subdivided so as to increase the degree or extent of any nonconforming lot condition or so as to prevent compliance with this chapter by any reasonable future development on the property.

§ 190-128. Interpretation, appeals and variances.

Interpretations of this article and relief from the decisions of any administrative officer involving the provisions of this article may be appealed in accordance with the procedures set forth in Article VI, Appeals, provided that a developer may file an application for an interpretation or a variance without prior application to an administrative officer, in accordance with the procedures set forth in Article VI.

§ 190-128.1. Temporary storage pods. [Added 1-16-2019 by Ord. No. 3695]

A. Application. Pods shall comply with the standards established by this chapter together with all other applicable regulations of the Village. Where the requirements of any part of this chapter conflict with any other section of the Village Code, the stricter provisions of this chapter shall govern.

(1) A permit shall be required for the placement of a pod at any site for any period of time greater than one week. The owner/occupant of a site must apply to the Village Zoning Officer for a permit to place a pod on a site. Permit fees are delineated in Chapter 145.

(2) A permit may be issued to allow the placement of a pod on a site for an initial period of 30 days. A permit may be renewed for no more than two additional six-month periods upon applications for renewal by a permit holder, but no longer than 30 days after a valid certificate of approval or temporary certificate of occupancy has been issued by the Building Department. Permit renewal fees are delineated in Chapter 145.

(3) A permit for a pod will not be issued to any user found to be in violation of any provision of the Zoning Ordinance[78] until such time as the violation or violations are corrected.

B. Use provisions. Pods shall be permitted in all residential zones subject to the following provisions:

(1) No more than one pod may be placed on the applicant's property at any one time.

(2) Pods shall be placed only on the driveway, allotted parking areas or on portions of property not located in the right-of-way. No pod shall be located in any manner that obstructs sidewalks. If the pod cannot be located in these locations the location must comply with Subsections B(3) through (5) below.

(3) No pod shall be located within 10 feet of a property line, unless located on a driveway.

(4) All pods shall be set back minimally 10 feet from principal buildings.

(5) All pods shall be located in such a manner as to utilize existing buffers for the purpose of screening pods from adjoining properties.

(6) Pods shall not be larger than 200 square feet in area.

(7) Pods shall not be higher than 10 feet from grade.

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78. Editor's Note: See Ch. 190, Land Use and Development.

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(8) Pods shall only be used by the owner or occupant of the property on which the pods are placed. Pods shall be used only to store household items and nonhazardous construction equipment and materials that are to be utilized on site but shall not be utilized for any other commercial purpose.

(9) Pods shall not be used for the storage of any hazardous substance, including but not limited to chemical, flammable or explosive materials. Pods shall also not be used for the storage of trash.

(10) Pods shall not be used for temporary habitation by humans or animals.

C. Signage.

(1) No additional signage shall be placed on any pod other than signage containing the name, address and telephone number of the person or entity engaged in the business of renting the pod or placing the pod on a user's site.

(2) All signs on pods must be permanently adhered to or painted on the pod.

D. Electrical service; lighting. There shall be no lighting fixtures attached to any pod nor shall there be any lighting fixtures utilized to light the interior of a pod. Additionally, electrical service to the pod shall not be permitted.

E. Maintenance. All pods shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other unsightly condition. All pods must be locked when not being used. Tarps shall be permitted on the roof if properly secured.

F. Violations and penalties.

(1) It shall be unlawful for any person to allow a pod to remain on a site which he or she owns, rents, occupies or controls without first obtaining a permit for said pod.

(2) An applicant who allows a pod to remain on site for longer than seven days without first obtaining a permit as required by this chapter shall be notified that he or she has two days to remove the pod or to obtain a permit for same.

(3) Each day that a pod remains on site shall subject the applicant to penalties, with each day that the pod remains on the site considered to be a separate violation of the provisions of this chapter.

(4) Any person found to have violated a provision of this chapter shall be subject to a minimum fine of $250 per violation, not to exceed $2,000.

(5) If any conditions/regulations are violated the Village can revoke the permit and require its removal immediately.

(6) These regulations shall be enforced by the Village Police Department, employees of the Building and Engineering Departments or their designees.

§ 190-128.2. Mandatory affordable housing set-aside. [Added 11-9-2020 by Ord. No. 3816]

A. A mandatory affordable housing set-aside requirement shall apply beginning with the effective date of this section to any multifamily or attached dwelling residential development, including the residential portion of a mixed-use project, which consists of five or more new residential units that exceed the otherwise permitted density, which are created as a result of a zoning amendment, or by a variance granted by the Zoning Board of Adjustment, or by the adoption of a redevelopment plan or

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amended redevelopment plan in areas in need of redevelopment or rehabilitation as set forth below:

(1) For inclusionary projects in which the low- and moderate-income units are to be offered for sale, the set-aside percentage shall be 20%; for projects in which the low- and moderate-income units are to be offered for rent, the set-aside percentage shall be 15%. Fractional affordable housing units shall be rounded down where the fraction is 0.49 units or less and rounded up where the fraction is 0.50 units or greater.

(2) This requirement does not apply to any sites or specific zones otherwise identified in the Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.

(3) For any such development for which the Village's land use ordinances (e.g., Zoning or an adopted redevelopment plan) already permit residential development as of the effective date of this section, adopted November 9, 2020, this requirement shall only apply if the Village permits an increase of five or more residential units beyond that which is currently permitted (e.g. Zoning or an adopted redevelopment plan).

(4) The affordable units shall comply with the Village's affordable housing regulations in § 190-137. This includes, but is not limited to, affordability controls of not less than 30 years, proper distribution of one-, two-, and three-bedroom affordable units, proper distribution of very-low-, low- and moderate-income units, and affirmative marketing.

(5) A property shall not be permitted to be subdivided so as to avoid meeting this requirement. The Board may impose any reasonable conditions to ensure such compliance.

(6) Nothing in this subsection precludes the Village from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this subsection consistent with N.J.S.A. 52:27D-311(h) and other applicable law.

(7) This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a redevelopment plan or amended redevelopment plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.

§ 190-128.3. Storefronts. [Added 9-14-2022 by Ord. No. 3914]

A. Purpose.

(1) To promote an active pedestrian district by incorporating approved and functional storefronts on the ground floor within the B-1 and B-2 Retail Business Districts.

(2) Multiple tenants with storefronts within a single building shall be architecturally consistent, but defined and separated through structural bays, horizontal lintels, vertical piers or other architectural features within existing bays or up to thirty-foot intervals for new construction.

(3) Individual storefronts shall not be used for storage or left empty without window displays.

(4) Window glass shall not be frosted or covered with paper, curtains or other material that block the window or display unless specifically authorized in writing by the Building Department which request for authorization shall not be unreasonably withheld if requested for new tenancy or interior alterations.

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B. Requirements.

(1) Ground floor storefronts within the B-1 and B-2 Retail Business Districts that are vacant because of lack of tenancy for over three months are required to install approved window displays. These displays may contain local artwork, local school projects, or cultural/historic interpretative displays, and subject to the review and approval of the Site Plan Exemption Committee.

(2) Owners of buildings with vacant ground floor storefronts shall be required to register the vacant space with the Village of Ridgewood Construction Office within 30 calendar days of the vacancy and maintain the following conditions:

(a) The storefront is enclosed and secured from unauthorized entry until the storefront is legally occupied, repaired or rehabilitated.

(b) The exterior grounds of the property and exterior features of the building and storefront are clean and well maintained and otherwise consistent with the requirements of the Village Property Maintenance ordinance at all times.

(c) All areas of the vacant storefront visible by the public from the public street or sidewalk shall be maintained in broom cleaned condition and free of litter and debris at all times.

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ARTICLE XI
Official Map

§ 190-129. Establishment.

Pursuant to N.J.S.A. 40:55D-1 et seq., there is hereby established an Official Map which is titled "Official Map, Village of Ridgewood, Bergen County, New Jersey," as amended, now filed in the office of the Village Clerk. The Official Map shall be deemed conclusive with respect to the location and width of public areas, whether or not such areas are improved or unimproved or are in actual physical existence.

§ 190-130. Reservation of public areas.

If the Village Master Plan or Official Map provides for the reservation of designated streets, public drainageways, flood control basins or public areas within the proposed development, the Board may require that such streets, ways, basins or areas be shown on the plat in locations and sizes suitable to their intended uses before approving the subdivision or site plan. The following provisions shall apply to the such reservation:

A. The Board may reserve the location and extent of such streets, ways, basins or areas shown on the plat for a period of one year after the approval of the final plat or within such further time as may be agreed to by the developer.

B. Unless during such period or extension thereof the Village shall have entered into a contract to purchase or institute condemnation proceedings according to law for the fee or a lesser interest in the land comprising such streets, ways, basins or areas, the developer shall not be bound by such reservations shown on the plat and may proceed to use such land for private use in accordance with applicable development regulations.

C. The developer shall be entitled to just compensation for actual loss found to be caused by such temporary reservation and deprivation of use. In such instance, unless a lesser amount has previously been mutually agreed upon, just compensation shall be deemed to be the fair market value of an option to purchase the land reserved for the period of reservation. The determination of such fair market value shall include but not be limited to consideration of the real property taxes apportioned to the land reserved and prorated for the period of reservation.

D. The developer shall be compensated for the reasonable increased cost of legal, engineering or other professional services incurred in connection with obtaining subdivision approval or site plan approval, as the case may be, caused by the reservation of areas on the Master Plan or Official Map.

E. The provisions of this section shall not apply to streets and roads, flood control basins or public drainageways necessitated by the subdivision or land development and required for final approval.

§ 190-131. Permits for structures to comply with map.

For the purpose of preserving the integrity of the Official Map of the Village of Ridgewood, no permit shall be issued for any building or structure in any public area as shown on the Official Map or shown on a plat filed pursuant to this chapter before adoption of the Official Map.

§ 190-132. Lots to abut street.

No permit for the erection of any building or structure shall be issued unless the lot abuts a street giving access to such proposed building or structure. Such street shall have been duly placed on the Official Map

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or shall be an existing state, county or Village street or highway or a street shown upon a plat approved by the Planning Board or a street on a plat duly filed in the office of the county recording officer prior to the passage of this chapter or any prior law which required prior approval of plats by the governing body or other authorized body. Before any such permit shall be issued, such street shall have been certified to be suitably improved to the satisfaction of the governing body or such suitable improvement shall have been assured by means of a performance guaranty in accordance with standards and specifications for road improvements approved by the governing body, as adequate in respect to the public health, safety and general welfare of the special circumstance of the particular street and it shall have been established that the proposed access conforms with the standards of the State Highway Access Management Code adopted by the Commissioner of the Transportation in the case of a state highway, with the standards of any access management code adopted by the county in the case of a county road or highway and with the standards of any Village access management code adopted in the case of a Village street or highway.

§ 190-133. Appeals.

Relief from the decisions of any administrative officer involving the provisions of this article may be appealed in accordance with the procedures set forth in Article VI, Appeals, provided that a developer may file an application for relief without prior application to an administrative officer, in accordance with the procedures set forth in Article VI.

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ARTICLE XII
Enforcement, Violations and Penalties

§ 190-134. Power to enforce.

A. The Village Council shall enforce this chapter and may require directly or delegate the authority to require the issuance of specified permits, certificates or authorizations as a prerequisite to:

(1) The erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any building or structure;

(2) The use or occupancy of any building, structure or land; and

(3) The subdivision or resubdivision of any land.

B. Pursuant to this provision, there is hereby created the office of the Zoning Officer of the Village of Ridgewood.

C. Duties of Zoning Officer and Village Engineer. It shall be the duty of the Zoning Officer to enforce Articles X, XI and XIII of this chapter and of the Village Engineer and Public Works Director, or their designee, to enforce Articles VII and IX of this chapter. Pursuant to that duty, such officials are authorized to investigate any violation or alleged violation of such articles coming to his/her attention, whether by complaint of third persons or from their own personal knowledge or observation. When any building or structure is erected, constructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of any provision of Articles VII, IX, X, XI and XIII, it shall be the duty of the Zoning Officer or Village Engineer and Public Works Director, or their designated representative, as applicable, to proceed with the enforcement of said article and the penalties provided for hereunder. Such enforcement may include the issuance of summons requiring an appearance in Municipal Court. They may also pursue such other statutory method or methods, heretofore or hereafter provided, as may be open to them. **[Amended 1-17-2007 by Ord. No. 3035]**

D. In the enforcement of Articles VII, IX, X, XI and XIII, the Zoning Officer or Village Engineer and Public Works Director, as applicable, may apply to the Municipal Court Judge of the Village for a warrant to search and inspect the properties and premises upon which he/she has reason to believe any violation of said article has taken or is taking place, and upon probable cause shown, the Municipal Court Judge may issue such a warrant, and the information obtained pursuant thereto shall be admissible as evidence in any court of competent jurisdiction for the purpose of proving any case brought for violation of this chapter. **[Amended 1-17-2007 by Ord. No. 3035]**

§ 190-135. Power to institute action.

In case any building or structure is erected, constructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter, the proper local authorities, as contained herein, or an interested party may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. Each and every day such violation continues after the expiration of an abatement notice or after initial construction, as the case may be, shall be deemed a separate and distinct violation.

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§ 190-136. Violations and penalties.

The owner or user of any building or structure, lot or land or part thereof where anything in violation of this chapter shall be placed or shall exist and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who assists in the commission of such violation shall each be guilty of a separate misdemeanor and, upon conviction thereof, shall each be liable for a penalty as set forth in Chapter 1, General Provisions, Article I.

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ARTICLE XIII
Affordable Housing
[Added 6-14-2006 by Ord. No. 3001; amended 10-10-2007 by Ord. No. 3084; 11-9-2020 by Ord. No. 3820]

§ 190-137. Affordable housing obligation: general program purposes, procedures.

A. This article of the Village Code sets forth regulations regarding the low- and moderate-income housing units in the Village consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing," N.J.A.C. 5:93 et seq., the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., except where modified by the requirements for very-low-income housing as established in P.L. 2008, c. 46 (the Roberts Bill, codified at N.J.S.A. 52:27D-329.1) as reflected in the terms of a settlement agreement between the Village and Fair Share Housing Center (FSHC) such that the statutory requirement to provide very-low-income units equal to 13% of affordable units approved and constructed after July 17, 2008, to be affordable to households at 30% of the regional median income, overrides the UHAC requirement that 10% of all low- and moderate-income units must be affordable at 35% of the regional median income, and the Village's constitutional obligation to provide a fair share of affordable housing for low- and moderate-income households.

B. This article is intended to assure that very-low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very-low-, low- and moderate-income households shall occupy these units. This article shall apply to all inclusionary developments and 100% affordable developments (including those funded with low-income housing tax credit financing) except where inconsistent with applicable law.

C. The Ridgewood Village Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq. The plan has also been endorsed by the Mayor and Council of the Village of Ridgewood. The Fair Share Plan describes the ways the Village shall address its fair share for low- and moderate-income housing as determined by the Superior Court and documented in the Housing Element.

D. This article implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93, as may be amended and supplemented.

E. The Village shall file monitoring and status reports with Fair Share Housing Center (FSHC) and place the reports on its municipal website. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring evaluation report prepared by the Special Master in accordance with N.J.A.C. 5:91 shall be available to the public at the Ridgewood Municipal Building.

F. On or about June 1 of each year through the end of the period of Third Round Judgment of Repose, the Village will provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to all parties to the Village's Court-approved settlement agreements, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.

G. The Fair Housing Act includes two provisions regarding action to be taken by the Village during the ten-year period of protection provided in the Village's Court-approved agreement with FSHC. The Village agrees to comply with those provisions as follows:

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(1) By July 1, 2020, the Village must prepare a midpoint realistic opportunity review, as required pursuant to N.J.S.A. 52:27D-313, which the Village will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues. In the event the Court determines that a site or mechanism no longer presents a realistic opportunity and should be replaced or supplemented, then the municipality shall have the opportunity to supplement or revise its plan to correct any deficiency.

(2) Within 30 days of June 1, 2021, and June 1, 2024, the Village shall prepare a review of compliance with the very-low-income housing requirements required by N.J.S.A. 52:27D-329.1 and its Court-approved settlement agreement with FSHC. The Village will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very-low-income requirements, including the family very-low-income requirements referenced herein and in the Village's settlement agreement with FSHC. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very-low-income housing obligation.

§ 190-138. Definitions.

As used herein the following terms shall have the following meanings:

ACT — The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.).

ADAPTABLE — Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT — The entity responsible for the administration of affordable units in accordance with this article, N.J.A.C. 5:91, N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.

AFFIRMATIVE MARKETING — A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE — The average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE — A sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:93-7.4; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE HOUSING DEVELOPMENT — A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

AFFORDABLE HOUSING DEVELOPMENT — A housing development of which all or a portion of which consists of restricted units.

AFFORDABLE HOUSING PROGRAM(S) — Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

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AFFORDABLE UNIT — A housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:93, and/or funded through an Affordable Housing Trust Fund.

AGE-RESTRICTED UNIT — A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80% of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

AGENCY — The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

ALTERNATIVE LIVING ARRANGEMENT — A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangement includes, but is not limited to: transitional facilities for the homeless, Class A, B, C, D, and E boarding homes as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

ASSISTED LIVING RESIDENCE — A facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

CERTIFIED HOUSEHOLD — A household that has been certified by an administrative agent as a low-income household or moderate-income household.

COAH — The Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

DCA — The State of New Jersey Department of Community Affairs.

DEVELOPER — Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

DEVELOPMENT FEE — Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.

EQUALIZED ASSESSED VALUE — The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

FAIR SHARE PLAN — The plan that describes the mechanisms, strategies and the funding sources, if any, by which the Village proposes to address its affordable housing obligation as established in the Housing

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Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of N.J.A.C. 5:93-5.

HOUSING ELEMENT — The portion of the Village's Master Plan, required by the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-28b(3) and the Act, that includes the information required by N.J.A.C. 5:93-5.1 and establishes the Village's fair share obligation.

INCLUSIONARY DEVELOPMENT — A development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a nonresidential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 50% or less of the median household income.

LOW-INCOME UNIT — A restricted unit that is affordable to a low-income household.

MARKET-RATE UNITS — Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME — The median income by household size for the applicable county, as adopted annually by COAH or approved by the New Jersey Superior Court.

MODERATE-INCOME HOUSEHOLD — A household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

MODERATE-INCOME UNIT — A restricted unit that is affordable to a moderate-income household.

NON-EXEMPT SALE — Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

RANDOM SELECTION PROCESS — A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

REGIONAL ASSET LIMIT — The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by adopted/approved Regional Income Limits.

REHABILITATION — The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

RENT — The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

RESTRICTED UNIT — A dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

SPECIAL MASTER — An expert appointed by a judge to make sure that judicial orders are followed. A master's function is essentially investigative, compiling evidence or documents to inform some future action by the court.

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UHAC — Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

VERY-LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 30% or less of the median household income.

VERY-LOW-INCOME UNIT — A restricted unit that is affordable to a very-low-income household.

§ 190-139. Administration of affordable units.

The following requirements shall apply to all new or planned developments that contain low- and moderate-income housing units.

A. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low and moderate income units whether developed in a single phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25%	0%
25% + 1	10%
50%	50%
75%	75%
90%	100%
100%	100%

B. Design. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units and shall be integrated with the market units. **[Amended 12-14-2022 by Ord. No. 3929]**

C. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

D. Low/moderate split and bedroom distribution of affordable housing units: **[Amended 12-14-2022 by Ord. No. 3929]**

(1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.

(2) In each affordable development, the total number of units and within each bedroom distribution shall have at least 50% of the restricted units for low-income households, with at least 13% affordable to very-low-income households.

(3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

(a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;

(b) At least 30% of all low- and moderate-income units shall be two-bedroom units;

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(c) At least 20% of all low- and moderate-income units shall be three-bedroom units; and

(d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.

(4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

E. Accessibility requirements:

(1) The first floor of all new restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one other dwelling unit shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

(2) All restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one other dwelling unit shall have the following features:

(a) An adaptable toilet and bathing facility on the first floor;

(b) An adaptable kitchen on the first floor;

(c) An interior accessible route of travel on the first floor;

[1] An interior accessible route of travel shall not be required between stories within an individual unit;

(d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

(e) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.), and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Village has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

[1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

[2] To this end, the builder of restricted units shall deposit funds within the Village of Ridgewood's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.

[3] The funds deposited under Subsection E(2)(f)[2] herein shall be used by the Village for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

[4] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Village of Ridgewood.

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[5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Village of Ridgewood's Affordable Housing Trust Fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

[6] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

[7] If not all of the foregoing requirements in Subsection E(2)(a) through (d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of Subsection E(2)(a) through (d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit. **[Added 12-14-2022 by Ord. No. 3929]**

F. Maximum rents and sales prices.

(1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and by the Superior Court, utilizing the regional income limits established.

(2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.

(3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.

(a) At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.

(4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.

(5) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be met:

(a) A studio or efficiency unit shall be affordable to a one-person household;

(b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;

(c) A two-bedroom unit shall be affordable to a three-person household;

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(d) A three-bedroom unit shall be affordable to a four-and-one-half-person household; and

(e) A four-bedroom unit shall be affordable to a six-person household.

(6) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be met:

(a) A studio or efficiency unit shall be affordable to a one-person household;

(b) A one-bedroom unit shall be affordable to a one-and-one-half-person household; and

(c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

(7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

(8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

(9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price. Income limits for all units for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Village annually within 30 days of the publication of determinations of median income by HUD as follows:

(a) Regional income limits shall be established for the Region 1 based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial census in Region 3. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80% of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50% of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very-low-income unit for a household of four shall be 30% of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income

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by household size. In no event shall the income limits be less than those for the previous year. **[Amended 12-14-2022 by Ord. No. 3929]**

(b) The income limits calculated each year shall be the result of applying the percentages set forth in Subsection F(9)(a) above to HUD's determination of median income for the relevant fiscal year, and shall be utilized until the Village updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

(c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Village annually by taking the percentage increase of the income limits calculated pursuant to Subsection F(9)(a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

(10) The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

(11) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

G. Condominium and homeowners' association fees.

(1) For any affordable housing unit that is part of a condominium association and/or homeowners' association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100% of the market rate fee.

H. Affordable unit controls and requirements.

(1) The requirements of this section apply to all developments that contain affordable housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

I. Affirmative marketing.

(1) The Village shall adopt by resolution an affirmative marketing plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

(2) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 3 and covers the period of deed restriction.

(3) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 1, comprised of Bergen, Somerset, and Middlesex Counties. **[Amended 12-14-2022 by Ord. No. 3929]**

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(4) The administrative agent designated by the Village shall assure the affirmative marketing of all affordable units is consistent with the affirmative marketing plan for the municipality.

(5) The Village shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Bergen County Urban League, NJ Housing Resource Center, and Bergen County Housing Coalition, and shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Village also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this subsection. **[Amended 12-14-2022 by Ord. No. 3929]**

(6) In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

(7) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.

(8) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Village of Ridgewood.

J. Occupancy standards.

(1) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the administrative agent shall strive to:

(a) Provide an occupant for each bedroom;

(b) Provide separate bedrooms for parents and children;

(c) Provide children of different sexes with separate bedrooms; and

(d) Prevent more than two persons from occupying a single bedroom.

(2) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

K. Selection of occupants of affordable housing units.

(1) The administrative agent shall use a random selection process to select occupants of low- and moderate-income housing.

(2) A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 et seq.

L. Control periods for restricted ownership units and enforcement mechanisms.

(1) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability. Prior to such action, a restricted ownership unit must remain subject to the

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requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented. **[Amended 12-14-2022 by Ord. No. 3929]**

(2) Rehabilitated owner-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.

(3) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

(4) The affordability controls set forth in this article shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

(5) A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

M. Price restrictions for restricted ownership units, homeowners' association fees and resale prices. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

(1) The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.

(2) The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

(3) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.

(4) The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible anticipated capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. **[Amended 12-14-2022 by Ord. No. 3929]**

N. Buyer income eligibility.

(1) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.

(2) The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

O. Limitations on indebtedness secured by ownership unit; subordination.

(1) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the

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administrative agent shall determine, in writing, that the proposed indebtedness complies with the provisions of this section and the administrative agent shall issue such determination prior to the owner incurring such indebtedness. **[Amended 12-14-2022 by Ord. No. 3929]**

(2) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

P. Control periods for restricted rental units.

(1) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability.

(a) Restricted rental units created as part of developments receiving 9% low-income housing tax credits must comply with a control period of not less than a thirty-year compliance period plus a fifteen-year extended use period.

(2) Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.

(3) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.

(4) A restricted rental unit shall remain subject to the affordability controls of this article, despite the occurrence of any of the following events:

(a) Sublease or assignment of the lease of the unit;

(b) Sale or other voluntary transfer of the ownership of the unit; or

(c) The entry and enforcement of any judgment of foreclosure.

Q. Price restrictions for rental units; leases.

(1) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the administrative agent.

(2) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the administrative agent.

(3) Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this article.

R. Tenant income eligibility.

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(1) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

(a) Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.

(b) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.

(c) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.

(2) The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

(a) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

(b) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

(c) The household is currently in substandard or overcrowded living conditions;

(d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or

(e) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.

(3) The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection R(2)(a) through (e) above with the administrative agent, who shall counsel the household on budgeting.

S. Conversions.

(1) Each affordable housing unit created through the conversion of a nonresidential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

T. Alternative living arrangements.

(1) The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

(a) Affirmative marketing (N.J.A.C. 5:80-26.15); provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

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(b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

(2) With the exception of units established with capital funding through a twenty-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

(3) The service provider for the alternative living arrangement shall act as the administrative agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ 190-140. Municipal Housing Liaison.

A. The position of Municipal Housing Liaison for the Village of Ridgewood is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the Village Mayor and Council and be subject to the approval by the Superior Court.

B. The Municipal Housing Liaison must be either a full-time or part-time employee of the Village of Ridgewood.

C. The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training found in N.J.A.C. 5:93.

D. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Village of Ridgewood, including the following responsibilities which may not be contracted out to the administrative agent:

(1) Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, administrative agents and interested households;

(2) The implementation of the affirmative marketing plan and affordability controls;

(3) When applicable, supervising any contracting administrative agent;

(4) Monitoring the status of all restricted units in the Village of Ridgewood's Fair Share Plan;

(5) Compiling, verifying and submitting annual reports as required by the Superior Court;

(6) Coordinating meetings with affordable housing providers and administrative agents, as applicable; and

(7) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Superior Court.

§ 190-141. Administrative agent. [Amended 12-14-2022 by Ord. No. 3929]

A. The Village shall designate by resolution of the Village Mayor and Council, subject to the approval of the Superior Court, one or more administrative agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:93 and UHAC.

B. Developers of affordable housing units shall utilize the Village's appointed administrative agent for the administration of affordable units, unless specifically authorized to do otherwise by the Village Mayor and Council or Planning or Zoning Board. All administration costs, including those of the administrative agent, shall be paid by the developer.

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C. An operating manual shall be provided by the administrative agent(s) to be adopted by resolution of the governing body and subject to approval of the Superior Court. The operating manuals shall be available for public inspection in the office of the Municipal Clerk and in the office(s) of the administrative agent(s).

D. The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth in UHAC and which are described in full detail in the operating manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:

(1) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Superior Court;

(2) Affirmative marketing;

(3) Household certification;

(4) Affordability controls;

(5) Records retention;

(6) Resale and rerental;

(7) Processing requests from unit owners; and

(8) Enforcement, although the ultimate responsibility for retaining controls on the units rests with the municipality.

(9) The administrative agent shall, as delegated by the Village Mayor and Council, have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

§ 190-142. Enforcement of affordable housing regulations.

A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

B. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

(1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the court:

(a) A fine of not more than $500 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

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(b) In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Village of Ridgewood Affordable Housing Trust Fund of the gross amount of rent illegally collected;

(c) In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.

(2) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- and moderate-income unit.

C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

D. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

E. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

F. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

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G. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

H. The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

§ 190-143. Appeals.

Appeals from all decisions of an administrative agent designated pursuant to this article shall be filed in writing with the Village.

§ 190-144. Residential and nonresidential development fees.

A. Purpose.

(1) In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.

(2) Pursuant to P.L. 2008, c. 46 § 8 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal Affordable Housing Trust Funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.

(3) This article establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L. 2008, c. 46, §§ 8 and 32 through 38. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees.

B. Residential development fees.

(1) Imposed fees. **[Amended 12-14-2022 by Ord. No. 3929]**

(a) Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing structure; in such cases, the fees shall be calculated based on increase in the equalized assessed value of the property due to the additional dwelling unit.

(b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such

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a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application. This provision shall not be applicable to developments including affordable housing.

(2) Eligible exactions, ineligible exactions and exemptions for residential development.

(a) Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

(b) Developments that have received preliminary or final site plan approval prior to the adoption of this municipal development fee article shall be subject to the fees imposed at the time of approval, as permitted by law, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

(c) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

(d) Developers of an owner-occupied residential unit that is demolished as a result of a natural disaster, fire or other involuntary destruction shall be exempt from payment of a development fee.

(e) For the purposes of this article, a residential structure is demolished when more than 50% of its structural floor space is removed and/or destroyed, as determined by the Village Engineer.

C. Nonresidential development fees.

(1) Imposed fees.

(a) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.

(b) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

(c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

(2) Eligible exactions, ineligible exactions and exemptions for nonresidential development.

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(a) The nonresidential portion of a mixed-use inclusionary or market-rate development shall be subject to the two-and-one-half-percent development fee, unless otherwise exempted below.

(b) The two-and-one-half-percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

(c) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, "State of New Jersey NonResidential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

(d) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.

(e) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Village of Ridgewood as a lien against the real property of the owner.

D. Collection procedure.

(1) Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Village's designated construction official responsible for the issuance of a building permit.

(2) For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

(3) The Village's designated construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.

(4) Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

(5) The Village's designated construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

(6) Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the

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improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

(7) Should the Village of Ridgewood fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of § 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).

(8) The developer shall pay 50% of the calculated development fee at the time of issuance of the building permit. The remaining portion shall be collected upon the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated upon issuance of the building permit and that determined upon the issuance of certificate of occupancy.

E. Appeal of development fees.

(1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Village of Ridgewood. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

(2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Village of Ridgewood. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

F. Affordable Housing Trust Fund.

(1) There is a separate, interest-bearing Housing Trust Fund to be maintained by the Village's Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.

(2) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

(a) Payments in lieu of on-site construction of affordable units;

(b) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;

(c) Rental income from municipally operated units;

(d) Repayments from affordable housing program loans;

(e) Recapture funds;

(f) Proceeds from the sale of affordable units; and

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(g) Any other funds collected in connection with the Village of Ridgewood affordable housing program.

(3) Within seven days from the opening of any new trust fund account, the Village of Ridgewood shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH, to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

(4) All interest accrued in the Housing Trust Fund shall only be used on eligible affordable housing activities approved by COAH.

(5) In the event of a failure by the Village of Ridgewood to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved spending plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds shall, to the extent practicable, be utilized for affordable housing programs within the Village of Ridgewood, or, if not practicable, then within the county or the housing region. Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the noncompliant condition(s), and upon a finding of continuing and deliberate noncompliance, determine to authorize LGS to direct the expenditure of funds in the trust funds or impose such other remedies as may be reasonable and appropriate to the circumstances. **[Added 12-14-2022 by Ord. No. 3929]**

G. Use of funds.

(1) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the Housing Trust Fund may be used for any activity approved by COAH to address the Village of Ridgewood fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market-to-affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 5:97-8.9 and specified in the approved spending plan.

(2) Funds shall not be expended to reimburse the Village of Ridgewood for past housing activities.

(3) At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

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(4) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.

(5) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.

(6) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

(7) The Village of Ridgewood may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

(8) No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may beused for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.

H. Monitoring.

(1) The Village of Ridgewood shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Village of Ridgewood housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

I. Ongoing collection of fees.

(1) The ability for the Village of Ridgewood to impose, collect and expend development fees shall expire with its substantive certification unless the Village of Ridgewood has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Village of Ridgewood fails to renew its ability to impose and collect development fees prior to the expiration of its substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to § 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). The Village of Ridgewood shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Village of Ridgewood retroactively impose a development fee on such a development. The Village of Ridgewood shall not expend development fees after the expiration of its substantive certification or judgment of

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compliance.[79]

79. **Editor's Note: Former Art. XIV, Procedures to Request Amendment of Village Master Plan or Development Regulations, added 7-18-2007 by Ord. No. 3066, which immediately followed, was repealed 9-7-2016 by Ord. No. 3541.**

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