

ORDINANCE NO. 2023-21

**TO AMEND, REVISE AND SUPPLEMENT
CHAPTER 96 AND CHAPTER 96A AND ZONING MAPS OF THE ZONING AND
REDEVELOPMENT REGULATIONS OF THE
VILLAGE OF RIDGEFIELD PARK**

WHEREAS, the Village of Ridgefield Park (hereinafter the “Village”) is a Municipal Corporation organized under the laws of the State of New Jersey, and has the power to adopt zoning and development regulations within its municipal borders; and,

WHEREAS, Chapter 96 and 96A sets forth the zoning and development regulations for the Village of Ridgefield Park; and,

WHEREAS, the Ridgefield Park Planning Board (hereinafter the “Planning Board”) had adopted a revised Master Plan in April of 2022, in accordance with the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq*; and,

WHEREAS, following the periodic reexamination and adoption of the new Master Plan, a revision to Chapters 96 and 96A were prepared with the assistance of the Village Planner; and,

WHEREAS, a copy of the revised Chapters 96 and 96A are attached to this ordinance as Exhibit “A”; and,

WHEREAS, the Ridgefield Park Board of Commissioners had adopted Resolution No 2023-137 on October 10, 2023, in accordance with the provisions of N.J.S.A. 40:55D-26(a), which referred the aforementioned Zoning Ordinance to the Planning Board so that the Board could prepare a report outlining any modifications, additions and corrections to the proposed zoning ordinance, as well as any inconsistencies between the proposed zoning ordinance and the Master Plan (hereinafter an “Inconsistency Report”); and,

WHEREAS, the Planning Board conducted three (3) public information sessions, on October 18, 2023, October 25, 2023 and November 1, 2023 to inform the public of the proposed zoning ordinance, and to receive comments and feedback; and,

WHEREAS, the Planning Board adopted Resolution #2301 on November 6, 2023, a copy of which is attached as an Exhibit herein; and,

WHEREAS, the aforementioned resolution references an Inconsistency Report, and provides a summary of all proposed amendments to the proposed zoning ordinance, copies of which are attached as Exhibits to Resolution #2301; and,

WHEREAS, the Inconsistency Report identifies four (4) items in the proposed zoning ordinance that are inconsistent with the Ridgefield Park Master Plan, but explains that each inconsistency was the result of the Land Use Element’s “broad view of the land use districts measured against the proposed zoning ordinances and zone plans more precise mapping based on the tax map series”; and,

WHEREAS, the Planning Board recommends that the Board of Commissioners adopt the proposed zoning ordinance, notwithstanding the inconsistencies, for the reasons stated in the Inconsistency Report and the November 6, 2023 Resolution; and,

WHEREAS, the Board of Commissioners does hereby find that the adoption of this Ordinance is in accordance with the provisions of N.J.S.A. 40:55D-62, in that the Ordinance is drawn with reasonable consideration to the character of each zoning district, and its peculiar suitability for particular uses, and to encourage the most appropriate uses of land within the Village of Ridgefield Park; and,

WHEREAS, the Board of Commissioners does also find that the provisions contained in this Ordinance furthers the interests of the public safety, health and general welfare, and will further advance the purposes of the Ridgefield Park Master Plan and the Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*; and,

WHEREAS, the Board of Commissioners does also find that the adoption of this Ordinance is the result of a periodic reexamination of the Ridgefield Park Master Plan, as required by the Municipal Land Use Law, and that the introduction and adoption of this Ordinance was recommended by the Ridgefield Park Planning Board, as indicated in its Resolution dated November 6, 2023 to the Board of Commissioners; and,

WHEREAS, the Board of Commissioners have reviewed and considered the Planning Board's reports and wish to adopt the revisions to Chapters 96 and Chapter 96A, as recommended by the Planning Board, together with the amendments proposed and the language identified as inconsistent in the Inconsistency Report.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Village of Ridgefield Park, that Chapters 96 and 96A of the Code of the Village of Ridgefield Park are hereby deleted in their entirety and replaced with the revisions set forth in the attached Exhibit "A"; and,

BE IT FURTHER ORDAINED, that the Board of Commissioners finds that the updated language of Chapters 96 and 96A are substantially consistent with the Ridgefield Park Master Plan, Land Use Element Plan and Housing Element Plan, and is designed to effectuate the plans' elements and be fully consistent with the Master Plan, except for the minor inconsistencies stated in the Inconsistency Report of the Ridgefield Park Planning Board; and,

BE IT FURTHER ORDAINED, that the Village Clerk is directed to publish a summary of this ordinance in accordance with the provisions of N.J.S.A. 40:49-2.1; and,

BE IT FURTHER ORDAINED, three (3) copies of this Ordinance shall be placed on file in the Village Clerk's Office, and copies shall be made available for inspection by the public during normal business hours, as required by N.J.S.A. 40:49-2.1 at no charge; and,

BE IT FURTHER ORDAINED, that a copy of the full text of this Ordinance, together with the Notice of Introduction, shall be posted on the Ridgefield Park website, at www.ridgefieldpark.org; and,

BE IT FURTHER ORDAINED, that the final hearing on this Ordinance shall be made in accordance with N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-16, which notice shall be served at least ten (10) days prior to the second hearing, via certified mail, on all of the required municipalities and other Boards, agencies or individuals; and,

BE IT FURTHER ORDAINED, that upon final adoption of this Ordinance, the Village Clerk is hereby directed to publish notice of the adoption of said Ordinance in accordance with N.J.S.A. 40:49-2, and shall further transmit to the Bergen County Planning Board, the Tax Assessor, and the Division of Planning for the State of New Jersey, a complete copy of this Ordinance as adopted, together with a certified copy of the Resolution on the Inconsistency Report.



Commissioner Gerken



Commissioner MacNeill

Absent

Commissioner Olson

Absent

Commissioner Portorreal



Mayor Anlian



Village Clerk
Adopted on December 12, 2023

ZONING & DEVELOPMENT
REGULATIONS

Chapter 96 and 96A

Village

Of

RIDGEFIELD PARK

Prepared: November 6, 2023

Adopted: December 12, 2023

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ARTICLE I – INTENT AND PURPOSE

§96-1.1 LONG TITLE

The long title of this chapter is: "An Ordinance to Limit and Restrict to Specific Districts, and to Regulate therein Buildings and Structures According to Their Construction, and the Nature and Extent of Their Use in the Village of Ridgefield Park, County of Bergen and the State of New Jersey and to Provide for the Administration and Enforcement Thereof and to Fix Penalties for Violations Thereof, as Amended and Supplemented."

§ 96-1.2 SHORT TITLE

This chapter shall be known and cited as the "Zoning Ordinance of the Village of Ridgefield Park."

§ 96-1.3 LEGISLATIVE INTENT

- A. The intent of this chapter is to establish a precise and detailed plan for the use of land and buildings in the Village, enacted in order to promote and protect the public health, safety, morals and the general welfare of the people.
- B. The Zoning Ordinance for the Village of Ridgefield Park shall be viewed as a permissive ordinance. In no instance after the adoption of this chapter shall any use be permitted in the Village of Ridgefield Park which is not enumerated as a permitted, accessory or conditional use as specified herein. Any uses not permitted or specified shall be prohibited.

§ 96-1.4 PURPOSES

Such regulations are deemed necessary to achieve the following purposes:

- A. To establish a pattern for land use based upon the land use plan element of the Master Plan adopted by the Ridgefield Park Planning Board.
- B. To guide and promote appropriate and orderly development in order to protect and maintain the stability of all areas within the Village, and to promote the orderly and beneficial development of such areas.
- C. To regulate the intensity of use of zoning lots and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, privacy and convenience of access to property and to protect the public health, safety and welfare.
- D. To regulate the location of buildings and establish standards of development by establishing building lines and the location of buildings designed for residential, commercial, industrial, office or other uses within such lines and to fix reasonable standards to which buildings or structures shall conform.
- E. To prohibit incompatible uses by prohibiting uses, buildings or structures which are inconsistent with the character of development in specified zoning districts.

- F. To regulate alterations of existing buildings to prevent such additions, alterations or remodeling of existing buildings which would not comply with the restrictions and limitations imposed hereunder.
- G. To limit congestion in streets and so protect the public health, safety, convenience and the general welfare by providing for off-street parking of motor vehicles and for the loading and unloading of commercial vehicles.
- H. To provide protection against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare.
- I. To conserve the taxable value of land and buildings throughout the Village.
- J. To encourage municipal action to guide the appropriate use or development of all lands in this state in a manner which will promote the public health, safety, morals and general welfare.
- K. To secure safety from fire, flood, panic and other natural and man-made disasters.
- L. To provide adequate light, air and open space.
- M. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the state as a whole.
- N. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.
- O. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
- P. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.
- Q. To 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.
- R. To promote a desirable visual environment through creative development techniques and good civic design and arrangements.
- S. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the state and to prevent urban sprawl and degradation of the environment through improper use of land.

- T. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site.
- U. To encourage senior citizen community housing construction.
- V. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.
- W. To promote utilization of renewable energy resources.
- X. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planned practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs;

ARTICLE II - DEFINITIONS

§96-2.0 – DEFINITIONS

§96-2.1 Word Usage

Unless the context otherwise indicates, the following definitions shall be used in the interpretation and construction of this chapter. Words used in the present tense include the future, the singular number shall include the plural and the plural the singular; the word "structure" shall include the word "building"; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot"; the word "occupies" includes the words "designated or intended to be occupied"; the word "used" shall include the words "arranged, designed, constructed, altered, converted, rented, leased or intended to be used"; the word "shall" is mandatory and not optional, and the word "may" is permissive.

§ 96-2.2 Definitions.

Certain words and phrases used in this chapter are defined for the purposes hereof as follows:

ABANDONMENT

The relinquishment of property or a cessation of the use of property by the owner, with the intention neither of transferring rights of the property to another owner nor of resuming use of the property.

ACCESSORY STRUCTURE

A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

ACCESSORY USE

A use subordinate to the principal use located on the same zone lot and serving a purpose customarily incidental to the principal use.

ACRE

A measure of land equal to 43,560 square feet.

ADMINISTRATIVE OFFICE

An establishment primarily engaged in management and general administrative functions, such as executive, personnel, finance and sales activities, performed centrally for other facilities of the same company.

ADMINISTRATIVE OFFICER

The Zoning Officer of the Village of Ridgefield Park.

ANIMAL HOSPITAL

A place where animals or pets are given medical or surgical treatment. Use as a kennel shall be limited to animals hospitalized for medical or surgical treatment.

APARTMENT

A dwelling unit, other than a townhouse, located in a building containing three or more dwelling units. An apartment building is a building containing three or more apartments.

APPLICANT

A person submitting an application for development.

APPLICATION FOR DEVELOPMENT

The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).

APPROVING AUTHORITY

The Planning Board of the Village of Ridgefield Park unless a different agency is designated in this chapter pursuant to the Municipal Land Use Law.

AQUIFER

An underground bed or stratum of earth, gravel or porous material that contains water. The geological formation serves as a medium through which water can percolate, sometimes very slowly for long distances. Aquifers are described as "confined" when they are overlain by aquicludes and "unconfined" when their surfaces are at ground level.

ARCHAEOLOGICAL SITE

Land or water areas which show evidence or artifacts of human, plant or animal activity, usually dating from periods of which only vestiges remain.

ASSEMBLAGE

The merger of separate properties into a single tract of land.

AUTO BODY AND REPAIR SHOPS

A place of business within a principal building where the bodies and mechanical components of motor vehicles are repaired and/or rehabilitated. Motor vehicles to be serviced shall be limited to passenger cars, vans, sport utility vehicles and small trucks not exceeding 10,000 pounds, gross vehicle weight classification. Permitted activities include metal fabricating and refinishing, sanding and painting and other related mechanical activities necessary to repair motor vehicles.

AUTOMOBILE GAS AND SERVICE STATIONS

A building or place of business where gasoline, fuel, oil and grease and/or batteries, tires and other automobile accessories are supplied and dispensed directly to the motor vehicle trade and where minor repair services may be rendered. The sale of food products and/or convenience goods shall be permitted as an accessory use.

AUTOMOBILE SALES

The use of any building, land area or other premises for the display, sale or rental of new automobiles, sport utility vehicles, panel trucks, vans, trailers or recreation vehicles and including minor mechanical repair service conducted as an accessory use. The sale of used cars shall only be permitted in conjunction with new car sales and shall not occupy more than 20% of the developable area of the lot or parcel.

AWNING

A roof-like cover that is temporary in nature and projects from any part of a building for the purpose of shielding a doorway or window from the elements.

BAR

A structure or part of a structure used primarily for the sale or dispensing of alcoholic beverages by the drink.

BASE FLOOD ELEVATION

The highest elevation, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood.

BASEMENT

The portion of a building which is partly below and partly above grade. A basement shall be considered a story where the finished surface of floor above a basement is:

- A. More than six feet above the grade plane.
- B. More than six feet above the finished ground level for more than 50% of the total building perimeter.
- C. More than 12 feet above the finished ground level at any point.

BEDROOM

A private room planned and intended for sleeping, separated from other rooms by a door.

BILLBOARD

An off-site lettered or pictorial advertising sign. A billboard is a large outdoor advertising structure found in high-traffic areas such as alongside busy roads advertising products or services to the public.

BLOCK

That area of land which is enclosed by streets.

BOARD

The Planning Board of the Village of Ridgefield Park.

BOARD OF ADJUSTMENT

The Board of Adjustment of the Village of Ridgefield Park.

BRIDGE

A structure having a clear span of more than 20 feet designed to convey vehicles and/or pedestrians over a watercourse, railroad, public or private right-of-way, or any depression.

BROOK

A small stream or creek.

BUFFER AREA

Land area used to visibly separate one use from another or to shield or block noise, lights or other nuisance elements and to ensure privacy.

BUILDABLE AREA

The area of a lot remaining after the minimum yard, open space, detention and retention basins and other limiting conditions established in this chapter or dictated by federal or state regulations have been met.

BUILDING

An enclosed structure adapted to permanent, temporary or continuous occupancy and having a roof supported by columns or walls. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up and through the roof, each part is deemed a separate building, except as regards minimum side yard requirements.

BUILDING COVERAGE

The percentage of a lot covered by the principal building and/or accessory buildings. Roofed porches, roofed decks, roofed elevated patios and similar roofed structures shall be included in the calculation of building coverage.

BUILDING HEIGHT

The vertical distance of a building measured from the average elevation of the finished grade measured six feet from the foundation to the highest point of the roof.

BUILDING, ACCESSORY

A subordinate structure on the same lot as the principal building occupied or planned to be occupied by a use customarily incidental to the principal use.

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the lot on which it is located.

BUSINESS SERVICES

Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; protective services; commercial research; development and testing; photo finishing; and personal supply services.

CARPORT

A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides.

CELLAR

The portion of the building which is partially or completely below grade and does not qualify as a basement. No portion of a cellar shall be used for dwelling purposes.

CERTIFICATE OF OCCUPANCY (CO)

A document issued by the Construction Code Official allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable governmental codes and ordinances.

CHANGE OF USE

Any use which differs materially from the previous use of a building or land.

CHARITABLE USE

Property used by a nonprofit or eleemosynary organization that provides a service beneficial to the general public or to a significant portion of the public.

CHIMNEY

A structure containing one or more flues for drawing off emissions from stationary sources of combustion.

CLUB

A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

COMMON OPEN SPACE

An open space area within or related to a site designated as a development and designed and intended for the use or enjoyment of residents and owners of the development. Common open space shall not include areas designated as detention, retention or water quality basins. Such space may contain complementary structures and improvements as are necessary and appropriate for the use and enjoyment of the residents and owners of the development.

COMMUNITY ASSOCIATION

A homeowners' association organization which is designed to own, maintain and operate common land and facilities and to enhance and protect their common interests.

COMMUNITY CENTER

A building utilized for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.

COMPLETE APPLICATION

Submission of an application form provided by the Village and completed by the applicant, together with all accompanying documents required by this chapter for approval of the application for development, including, where applicable, but not limited to, a site plan or subdivision plat, provided that the approving authority may require such additional information not specified therein 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 for the development have been met. The application shall not be deemed incomplete for lack of any such additional information or any reasons in the accompanying documents so required by the approving authority. An application meeting all requirements specified in this chapter and in the subdivision and site plan review ordinances and in the rules and regulations of the approving authority shall be deemed complete as of the day it is so certified by the Planning Board for purposes of the commencement of the time period for action by the approving authority.

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 or Board of Adjustment.

CONDOMINIUM

A building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional undivided basis.

CONDOMINIUM ASSOCIATION

The community association which administers and maintains the common property and common elements of a condominium.

CONGREGATE HOUSING

A dwelling providing shelter and services for the elderly which may include meals, housekeeping and personal care assistance.

COURT / COURTYARD

Any area which is bounded by three or more attached building walls.

CRITICAL AREA

An area with more than one of the following characteristics:

- A. Slopes in excess of 15%;
- B. Floodplains;
- C. Soils classified as having a high-water table;
- D. Soils classified as highly erodible, subject to erosion or being highly acidic;
- E. Land formerly used for landfill operations or hazardous industrial use;
- F. Stream corridors;
- G. Estuaries;
- H. Mature stands of native vegetation;
- I. Aquifer recharge and discharge areas;
- J. Wetland and wetland buffer areas;
- K. Areas designated in the Register of Natural Areas of the New Jersey Department of Environmental Protection; and
- L. Natural habitats which protect and preserve endangered and threatened plant and animal species.

DECIBEL

A unit of sound pressure level.

DENSITY

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

DETENTION BASIN

An impoundment area made by constructing an embankment or excavating a pit, or both, for the purpose of temporarily storing stormwater.

DEVELOPER

The legal or beneficial owner or owners of 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 of use of land for which permission may be required.

DISTRICT

Any portion of the territory of the Village of Ridgefield Park within which certain uniform regulations and requirements or various combinations therefor apply under the provisions of this chapter. (See "zone.")

DRAINAGE

The removal of surface water or groundwater from land by drains, grading or other means, including control of runoff during and after construction or development to minimize erosion and sedimentation; to assure the adequacy of the existing and proposed culverts and bridges; to induce water recharge into the ground where practical; to lessen nonpoint pollution; to maintain the integrity of stream channels for their biological functions as well as drainage; and the means necessary for water supply preservation or prevention or alleviation of flooding.

DWELLING

Any permanent building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.

DWELLING UNIT

One or more rooms occupied or intended for occupancy as separate living quarters by one family or household, provided that access is directly from the outside or through a common hall and that separate cooking, sleeping and sanitary facilities are provided within the dwelling for the exclusive use of the occupants thereof. Occupancy by more than one family or household within a single dwelling unit shall constitute a violation of this chapter.

DWELLING, ATTACHED

A one-family dwelling attached to one or more one-family dwellings by common vertical walls.

DWELLING, DETACHED

A dwelling which is completely surrounded by permanent open space.

DWELLING, MULTIFAMILY

A building occupied or intended for occupancy as separate living quarters for more than two families or households, with two separate direct means of access to the outside for the multifamily dwelling and further provided with separate cooking, sleeping and sanitary facilities for the exclusive use of the occupants of each unit.

DWELLING, SINGLE-FAMILY

A detached building occupied or intended for occupancy exclusively by one family or one household, with two separate direct means of access to the outside and further provided with cooking, sleeping and sanitary facilities for the use of the occupants of the unit. Also referred to as "one-family dwelling."

DWELLING, TWO-FAMILY

A building occupied or intended for occupancy as separate living quarters for no more than two families or two households, with two separate means of access to the outside for the two-family dwelling and with separate cooking, sleeping and sanitary facilities for the exclusive use of the occupants of each unit, which units are separated from each other by horizontal floors.

EAVE

The projecting lower edges of a roof overhanging the wall of a building.

ELEEMOSYNARY OR PHILANTHROPIC INSTITUTION

A private or nonprivate organization which is not organized or operated for the purpose of carrying on a trade or business and no part of the net earnings of which are for the benefit of any individual.

ENCROACHMENT

Any obstruction in a delineated floodway, right-of-way or adjacent land.

ENVIRONMENTAL COMMISSION

The Village of Ridgefield Park Environmental Commission created pursuant to P.L. 1968, c. 245 (N.J.S.A. 40:56A-1 et seq.).

ENVIRONMENTAL IMPACT STATEMENT (EIS)

A statement on the positive and negative effects of development proposals and other major actions which significantly affect the environment.

EROSION

The detachment and movement of soil or rock fragments by water, wind, ice and gravity.

ESSENTIAL SERVICE

The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground, surface or overhead gas, electrical, steam or water transmission systems, cable television and fiber optics, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, light stations, telephone lines, hydrants and other similar equipment and accessories herewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare.

EXTENDED CARE FACILITIES

A long-term care facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged or for a governmental medical institution. (See "long-term-care facility" and "nursing home.")

FAMILY

A group of persons functioning as a single housekeeping unit and whose relationship is of a permanent, stable and domestic character as distinguished from nonfamilial institutional use, boarding homes, fraternities, sororities, clubs and associations, transient and other forms of housing. For the purpose of this chapter, a "family" shall include foster children placed with a family in such dwelling by the New Jersey State Board of Child Welfare or a duly incorporated child-care agency.

FAMILY DAY CARE CENTER

A private establishment enrolling no more than five children between 2-1/2 years of age and older where tuition, fees, or other forms of compensation for the care of children is charged and which is licensed by the State of New Jersey and approved by the Village of Ridgefield Park to operate as a family day care center.

FENCE

An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FLOOD

The temporary overflowing of water onto land which is usually devoid of surface water.

FLOOD-FRINGE AREA

That portion of the flood hazard area outside the floodway based on the total area inundated during the regulatory flood plus 25% of the regulatory flood discharge.

FLOOD HAZARD AREA

The floodway and the relatively flat area adjoining the floodway, which area can be expected to be inundated by rising waters at least once in 100 years.

FLOOD HAZARD DESIGN ELEVATION

The highest elevation, expressed in feet above sea level, of the level of floodwaters which delineates the flood-fringe area.

FLOOD INSURANCE RATE MAP

The official map upon which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk of premium zones applicable to the community.

FLOODPLAIN

The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

FLOODPROOFING

A combination of structural provisions, changes or adjustments to properties and structures subject to flooding for the reduction or elimination of flood damage to properties, water and sanitary facilities and other utilities, structures and the contents of buildings.

FLOODWAY

The channel of a natural stream, brook or river and portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream, brook or river.

FLOOR AREA

The sum of the gross horizontal area of the several floors of a building measured from the exterior walls of a building. Floor area shall not include areas devoted exclusively to off-street parking and loading space for motor vehicles or to any space where the floor-to-ceiling height shall be less than seven feet six inches.

FLOOR AREA RATIO

The sum of the areas of all floors of buildings or structures divided by the total lot area of the site.

FULFILLMENT CENTER

A fulfillment center is a warehouse space used by businesses to stock and process items for shipping directly to consumers. When orders are processed through an online store, the fulfillment center takes over the role of a retailer's warehouse where the order will be picked, packaged and shipped by specialized teams. A fulfillment center can be owned or managed by a third-party, or by the business itself. Those that are run independently usually report to larger distribution centers that use their services on a daily basis. Delivery services are the mainstream of fulfillment centers.

GARAGE

A building or structure used for the storage of one or more vehicles. If it is maintained primarily for the convenience of the resident-occupant of the premises and no service is rendered to the public or business conducted therein, it is a private garage. Any garage other than a private garage is a public garage.

GARDEN APARTMENT

One or more multiple-family buildings having three or more residential units and not more than 2 stories and 35 feet in height, containing off-street parking, outdoor recreational facilities and open spaces as more fully required herein.

GHOST KITCHEN

A food catering and preparation facility where kitchens are rented by food preparers and where such food is picked up or delivered. No eating facilities are present i.e. tables, counters, and no food is consumed on site.

GLARE

The effect produced by brightness sufficient to cause annoyance, discomfort or loss in visual performance and visibility.

GRADE

The reference plane representing the average of finished ground level adjoining a building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six feet from the building, between the building and a point six feet from the building.

GROSS DENSITY

Gross density shall mean the total number of dwelling units on the tract of land divided by the total area of the tract, including environmentally sensitive or restricted areas. The result is expressed as dwelling units per acre (du/ac).

GROUNDWATER

The supply of freshwater under the surface in an aquifer or soil that forms the natural reservoir for potable water.

HABITABLE SPACE

Living space and rooms other than common hallways, cellar, storage space, garage areas or any area where the ceiling height is less than seven feet six inches.

HALF-STORY

A space under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above the floor level and in which space the possible floor area with headroom of five feet or more occupies at least 40% of the total floor area of the story directly beneath

HELIPORT

An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters and including auxiliary facility such as parking, waiting room, fueling and maintenance equipment.

HELISTOP

A heliport but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

HEMP

A cannabis plant containing less than 0.3% THC, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds. This definition shall include cannabinoids (CBDs) derived from hemp.

HISTORIC DISTRICT

One or more historic sites and intervening or surrounding properties significantly affecting or affected by the quality and character of the historic site or sites.

HISTORIC PRESERVATION

The protection, rehabilitation and restoration of districts, sites, buildings, structures and artifacts significant in the history, architecture, archaeology or culture of the United States, the State of New Jersey, Bergen County and the Village of Ridgefield Park.

HISTORIC SITE

Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which has been formally designated in the Master Plan as being of historical, archeological, cultural, scenic or architectural significance.

HOME OCCUPATION

A business or profession conducted wholly or in part from a residence or the residential lot as an accessory use. See §96-5.15.

HOMEOWNERS' ASSOCIATION

A nonprofit corporation operating under a recorded land agreement through which each lot or individual dwelling unit owner shall be a member; the owner of each dwelling unit is subject to a charge for a proportionate share of the organization's expenses for activities and maintenance, including any maintenance costs levied against the association by the Village; and each owner and tenant has the right to use the common property.

HOTEL

A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities. Hotel rooms shall not be utilized as permanent living facilities, and hotel rooms shall not be permitted to maintain cooking facilities within any hotel room. A building classified as a hotel shall be three or more stories in height and where entrance to individual rooms is from an interior hallway. (See definition of "motel.")

HOUSEHOLD

A group of not more than four persons who are not related by blood, marriage or adoption, living together as a single housekeeping unit.

HOUSE OF WORSHIP

A building or structure or a group of buildings or structures which by design and construction are intended for the conducting of organized religious services and accessory uses associated therewith.

HOUSING FOR THE ELDERLY

Multifamily housing regulated and operated in accordance with 42 U.S.C. §§ 3607(b)(2)(A) and 3607(b)(2)(B). (Also known as "senior citizen housing," "housing for older persons" and "age-restricted multifamily housing.")

IMPERVIOUS SURFACE

Any nonporous material which resides and prevents absorption of stormwater on the land.

INDUSTRIAL OR OFFICE PARK

A tract of land with a minimum of five acres comprehensively planned for industrial or office uses, whether or not buildings are erected in one development stage or over a period of time, but where the streets, utilities and lots and/or tenant's parcels are set forth for the entire tract prior to construction of any portion of the tract. As development takes place, changes may be made in the plans for the undeveloped section(s), provided that the modifications conform to logical extensions of installed segments of streets, drainage, utilities and other facilities. Parks with no subdivided lots shall have buildings spaced so that the mortgage and/or lease lines conform to the requirements for lot lines to establish conformance with this chapter for such matters as building setbacks, buffers, driveway locations, and distances between buildings. (Also known as "planned industrial development" or "office park development.")

INDUSTRY, HEAVY

Manufacturing, research and distribution activities where noise, odors, smoke, dust, vibration or glare may be discernible at the property line but not as such to constitute a nuisance or be injurious to the health and safety of the community.

INDUSTRY, LIGHT

Manufacturing, research and distribution activities in which no noise, odors, smoke, dust, vibration or glare may be discernible at the property line.

INTERMEDIATE CARE FACILITY

A facility which provides, on a regular basis, health care and related services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designated to provide, but who, because of their mental or physical condition, require care and services which can be made available to them only through institutional facilities such as these.

JUNKYARD

Any area of land, with or without buildings, devoted to the storage, keeping of junk or debris, whether or not it is in connection with the dismantling, processing, salvage, sale or other use or disposition thereof of any material.

LAND

Ground, soil or earth, including structures on, above or below the surface.

LAND DISTURBANCE

Any activity involving the clearing, cutting, excavating, filling or grading of land or any other activity which alters land topography or vegetative cover.

LOADING SPACE or LOADING BERTH

An off-street berth on the same lot as the building being served for the temporary parking of a vehicle while loading or unloading.

LONG-TERM-CARE FACILITY

An institution which is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to patients who are not related to the governing authority or its members by marriage, blood or adoption.

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 computed areas contained within the lot lines, excluding any street right-of-way. The "minimum" lot area of a lot fronting on a street proposed to be widened in the adopted Master Plan shall be the minimum area required for the district in which it is located plus the additional area needed for the street widening, where said widening is by fee simple or by way of easement.

LOT COVERAGE

That portion of a lot which is occupied by principal and accessory buildings including all areas of impervious surfaces such as walkways, driveways, garages, patios, swimming pool hard surfaces, parking areas and detention and water quality basins. Any impervious surface which resists and prevents absorption of storm water on the land shall be included in lot coverage.

LOT DEPTH

A horizontal distance between the front and rear lot lines, measured perpendicular or radial to the front lot line at the midpoint of the lot frontage to the furthest distance thereof, taken as the average of three measurements at each corner and at the midpoint for irregularly shaped parcels.

LOT FRONTAGE

The length of the front lot line measured at the right-of-way line. Also known as "frontage."

LOT LINE

A line of record bounding the lot.

LOT LINE, FRONT

The lot line separating the lot from the street right-of-way line also referred to as a "street line."

LOT LINE, REAR

The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE

Any lot line other than a front or rear lot line.

LOT WIDTH

The horizontal distance between the side lines of a lot measured parallel to the front lot line at the required front yard setback line.

LOT, CORNER

A parcel of land at the junction of and abutting two intersecting streets.

LOT, INTERIOR

A parcel of land with frontage along one street.

LOT, MINIMUM AREA OF

The smallest lot area established by this chapter upon which a use or structure may be located in a particular district.

LOT, THREE-SIDED

A parcel of land at the junction of and abutting on three intersecting streets.

LOT, THROUGH

A parcel of land which extends through from one street to another.

LOW-INCOME HOUSING

For the purposes of this chapter, low-income housing shall be housing that is designed for a household earning 50% or less of the area's median income, adjusted by household size, as determined by the State of New Jersey.

MAJOR SUBDIVISION

Any subdivision not classified as a minor subdivision.

MARIJUANA/ CANNIBIS

All or parts of the plant genus cannabis, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds (except those containing only resin extracted from the plant). Notwithstanding the foregoing, this definition shall not be deemed to include hemp as such term is defined herein.

MARIJUANA/ CANNIBUS ESTABLISHMENT

A business, residence or other location where the cultivation, testing, manufacturing, dispensing, growing, extraction or retail sale of marijuana, or marijuana paraphernalia takes place, or where the selling or dispensing of medical marijuana take places, or where services are offered that involve marijuana or

marijuana paraphernalia. This definition shall not include legally authorized medical care, pharmaceutical research or clinical trials performed or conducted by or under the direction and supervision of a licensed physician, medical research facility, hospital or pharmaceutical company.

MARIJUANA PARAPHERNALIA

Any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

MARQUEE

Any hood, canopy, awning or permanent construction which projects from a wall of a building usually above an entrance.

MEDICAL BUILDING

A building that contains establishments dispensing health services.

MINOR SUBDIVISION

A subdivision of land for the creation of no more than three lots as a minor subdivision, provided that such subdivision does not involve a planned development, any new street or the extension of any off-tract improvements, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42.

MODERATE-INCOME HOUSING

For the purposes of this chapter, moderate-income housing shall be housing that is designed for a household earning between 50% and 80% of the area's median income, as adjusted for household size, as defined by the New Jersey Council on Affordable Housing (COAH).

MOTEL

A building which provides rooms for transient guests, has a public lobby and may have an outside entrance for each room. A motel shall be limited to no more than two stories.

MOTION-PICTURE THEATER or MOVIE THEATER

A place where motion pictures are shown to the public for a fee.

MOTOR VEHICLE BODY REPAIR SHOP

A place of business within a principal building where the bodies of motor vehicles are repaired and/or rehabilitated. Motor vehicles shall be limited to passenger cars, vans, sport utility vehicles and small trucks not exceeding 10,000 pounds, gross vehicle weight classification. Permitted activities include metal fabricating and refinishing, sanding and painting and other related mechanical activities necessary to repair auto bodies.

NATIONAL FLOOD INSURANCE PROGRAM

A federal program which authorizes the sale of federally subsidized flood insurance in communities where such flood insurance is not available privately.

NATIONAL HISTORIC PRESERVATION ACT

A 1966 federal law that established a National Register of Historic Places, the Advisory Council on Historic Preservation and authorized grants in aid for historic properties preservation.

NATIONAL REGISTER OF HISTORIC PLACES

The official list, established by the National Historic Preservation Act, of sites, districts, buildings, structures and objects significant in the nation's history or whose artistic or architectural value is unique.

NONCONFORMING LOT

A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING SIGN

Any sign lawfully existing on the effective date of this chapter or an amendment thereto which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING STRUCTURE

A structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of this chapter but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING USE

A use or activity which was lawful prior to the adoption, revision or amendment of this chapter but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONPOINT RUNOFF

Surfaced water entering a channel from no definable discharge source.

NUISANCE

An interference with the enjoyment and use of property.

NUISANCE ELEMENT

Any environmental pollutant, such as smoke, odors, liquid wastes, solid wastes, radiation, noise, vibration, glare or heat, which exceeds the performance standards of this chapter.

NURSING HOME

An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

OFFICE

A place for the transaction of business where reports are prepared and records are kept but where no retail sales of goods are offered and where no manufacturing, assembling or fabricating takes place.

OFF-SITE

Located outside the lot lines of the lot in question but within the property (of which the lot is part) which is the subject of a development application or contiguous portion of a street or right-of-way.

OFF-STREET PARKING SPACE

A temporary storage area for a motor vehicle that is directly accessible to an access aisle and which is not located within a street right-of-way.

OFF-TRACT

Not located on the property which is the subject of a development application nor located on a contiguous portion of the street or right-of-way.

ON-SITE

Located on the lot in question.

ON-STREET PARKING SPACE

A temporary storage area for a motor vehicle which is located within a street right-of-way.

ON-TRACT

Located on the subject property which is the subject of a development application or on a contiguous portion of a street right-of-way.

OPEN SPACE

Any parcel, area of land or water essentially unimproved and set aside, dedicated, designed 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 and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

OUTDOOR STORAGE

The keeping in an unroofed area of any goods, materials, merchandise or vehicles in the same place for more than 24 hours.

PARAPET

The extension of the main walls of a building above the roof level.

PARCEL

A lot or tract of land.

PARKING AREA

Any public or private land area designed and used for parking motor vehicles, including parking lots, garages, private driveways and legally designated areas on public streets.

PARKING AREA, PRIVATE

Any open area used for the temporary storage of automobiles and other vehicles for the private use solely by the occupants thereof to which such use is accessory.

PARKING AREA, PUBLIC

Any open area other than a street or other public way used for the temporary storage of automobiles and other vehicles and available to the public, whether for a fee or without compensation or as an accommodation for clients, customers or employees.

PERFORMANCE STANDARDS

Standards adopted by this chapter regulating noise levels, glare, earth borne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and flammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the Village of Ridgefield Park or standards required by applicable federal, state, county or municipal regulations.

PERMITTED PRINCIPAL USE

Any principal use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSON

Any individual, association, partnership, corporation or cooperative group.

PLAN

The provisions for development of a planned development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, building and structural height, intensity of use or density of development, public or private streets, ways and parking facilities, open space and public facilities. The phrase "provisions of the plan," when used in this chapter, shall mean the written and graphic material referred to in this plan.

PLANNED DEVELOPMENT

Includes a planned unit development, planned residential development, planned commercial development or planned industrial development.

PLANNED INDUSTRIAL DEVELOPMENT

An area of minimum contiguous size as specified in this chapter to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate industrial uses.

PLANNED RESIDENTIAL DEVELOPMENT

An area with a specified minimum contiguous acreage to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate public or quasi-public uses all primarily for the benefit of residential development.

PLANNING BOARD

The Planning Board of the Village of Ridgefield Park.

PLAT

Map(s) of a subdivision or site plan.

PLAT, FINAL

The plat of all or a portion of the development submitted for final approval and which, if approved as a subdivision, shall be filed with the county recording officer within the required time; otherwise the approval shall be void.

PLAT, INFORMAL

The plat submitted for purposes of classification and discussion.

PLAT, PRELIMINARY

The plat submitted as part of the application for preliminary subdivision approval.

PLOT PLAN - A plan for two-family dwellings on which is shown: 1) the existing and proposed conditions of the lot, including, but not limited to topography, vegetation, drainage, floodplains, waterways, wetland areas and garages; 2) the location of all existing and proposed buildings, parking areas, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, screening devices; and 3) any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of plot plans by the Planning Board. Said plot plan shall be signed and sealed by a licensed engineer or a licensed land surveyor in the State of New Jersey.

PORCH

A roofed open area, which may be screened but not totally enclosed, attached to or part of and with direct access to or from a building.

PRINCIPAL USE

The primary business on a property or lot. No lot shall have erected upon it more than one principal use unless otherwise permitted. Not more than one business shall be conducted on any property or lot, unless

otherwise permitted. The limitation of one principal use shall also mean that not more than one business shall be permitted on any property or lot. No more than one principal building shall be permitted on one lot, except that apartment and townhouse complexes and industrial and office sites, when permitted, may be allowed more than one building on a lot in accordance with an approved site plan where all buildings are sited to comply with all yard definitions.

PRIVATE GARAGE

A garage used solely for the occupants of the premises upon which it is located for the storage of motor vehicles and in which no business, commercial services or industry connected with motor vehicles or residential occupancy is carried on, unless said private garage is an integral part of the total structure; sometimes identified as a "parking deck or structure."

PRIVATE RECREATION COURTS

An improved area on the property or site used for recreation of the owner or occupants of the site, including tennis, basketball, paddle ball, pickleball and similar activities.

PROFESSIONAL OCCUPATION

The offices of a dentist, doctor, attorney, accountant, chiropractor, psychologist, engineer, lawyer, architect, planner, insurance or real estate agent and public relations or similar use.

PROHIBITED USE

A use that is not permitted as a principal, accessory or conditional use in a zone district.

PUBLIC AREAS

Includes public parks, playgrounds, trails, paths and other recreational areas; other public open spaces; scenic and historic sites; and sites for schools and other public buildings and structures.

PUBLIC DRAINAGEWAY

The land reserved or dedicated for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges to induce water recharge into the ground where practical and to lessen nonpoint pollution.

PUBLIC OPEN SPACE

An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservation uses.

PUBLIC UTILITY FACILITIES

Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structure; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater

stations; and all other facilities, equipment and structures necessary for conducting a service by a government or public utility.

RECHARGE

The process of renewing underground water by infiltration during wet seasons.

RECREATION FACILITY, PRIVATE

A recreation facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.

RECREATION FACILITY, PUBLIC

A recreation facility operated by a governmental agency and open to the general public.

RECREATION, PASSIVE

Any leisure activity not considered active.

RECREATIONAL FACILITY, COMMERCIAL

A recreation facility operated as a business and open to the public for a fee.

RESEARCH FACILITIES

An establishment or other facility for carrying on investigation in the natural, physical or social sciences or engineering and development as an extension of investigation with the objective of creating end products.

RESIDENTIAL CLUSTER

An area to be developed as a single entity according to a plan containing residential housing units which have a common public open space area as an appurtenance.

RESTAURANT

A building or structure designed, used or intended for use in which food and beverages are sold and consumed primarily within the confines of an enclosed structure on the site. "Restaurant" shall not include refreshment stands commonly called snack or dairy bars where consumption takes place outside of the structure or in automobiles parked upon the premises, whether brought to said automobile by the customer or by the employees of the establishment. As used in this chapter, "restaurant" shall not mean a fast food restaurant, as defined herein. A restaurant shall also include pickup or delivery services wherein food is prepared on the premises for off-premises consumption.

RESTAURANT, CARRY-OUT

An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises and where the consumption of food in vehicles on the premises is not permitted or encouraged.

RESTAURANT, FAST-FOOD

A commercial establishment where food and drink prepared for immediate consumption are purchased at a counter and either eaten on the premises, in the purchaser's automobile or off the premises. Those restaurants where food is consumed only at tables on the premises and served by waiters and waitresses shall not be deemed "fast-food restaurants." Fast-food restaurants shall also not include those retail stores where food is primarily sold for preparation and consumption elsewhere, although, as a secondary use of the premises, prepared food may also be sold over the counter for immediate consumption, such as a delicatessen.

RESTAURANT, SIT-DOWN

A commercial establishment where food and drink are prepared, served and consumed that complies with the following requirements:

- 1) All food, drinks, etc. must be prepared and served for consumption on the premises; however, such restaurants may, as an ancillary service, provide takeout orders and catering services.
- 2) All such restaurants must be a sit-down-type restaurant where food is consumed at tables and counters and is served and orders are taken by waiters, waitresses and/or chefs.
- 3) No such restaurant may offer takeout counter service (other than the limited takeout allowed pursuant to Subsection A above).
- 4) Such restaurant shall not be a fast-food restaurant, as defined herein.

RESTORATION

The replication or reconstruction of a building's original architectural features.

RETAINING WALL

A structure constructed to hold back or support an earthen bank.

RETENTION BASIN

A facility that provides permanent storage of excessive surface runoff, such as a pond, pool or basin.

RIGHT-OF-WAY

The total width and length of the course of a street, watercourse, utility alignment or another way and within, under or over which improvements and rights of access are confined.

RINGELMANN CHART

A device used to measure the opacity of smoke emitted from stacks and other sources.

SATELLITE ANTENNA

A reflective dish structure which is designed for the purpose of receiving television, radio, microwave, satellite or other similar signals.

SCENIC AREA

An open area, the natural features of which are visually significant or geologically or botanically unique.

SCENIC EASEMENT

An easement, the purpose of which is to limit development in order to preserve a view or scenic area.
(See "easement.")

SCHOOL

Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

SCHOOL, ELEMENTARY

Any school licensed by the State of New Jersey which meets the state requirements for elementary education.

SCHOOL, PAROCHIAL

A school supported and controlled by a church or religious organization.

SCHOOL, PRIVATE

Any building or group of buildings, the use of which meets state requirements for primary, secondary or higher education and which does not secure the major part of its funding from any governmental agency.

SCHOOL, SECONDARY

Any school licensed by the State of New Jersey which is authorized to award diplomas for secondary education.

SCHOOL, VOCATIONAL

A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.

SEDIMENTATION

The depositing of earth or soil that has been transported from its site of origin by water, ice, wind, gravity as a product of erosion.

SELF-STORAGE FACILITY

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

SETBACK LINE

A line parallel to a public street or internal street line or lot line beyond which a building does not project. The minimum yard requirements shall be the minimum required setbacks. All setbacks from public streets or internal streets shall be measured from the proposed right-of-way as shown on the adopted Master Plan.

SHOPPING CENTER

A group of commercial establishments planned, constructed and managed as a single entity, with customer and employee parking provided on site, provisions for delivery of goods separate from customer access, aesthetic considerations and protection from the elements.

SIDEWALK

A paved, surfaced or leveled area used as a pedestrian walkway.

SIGHT TRIANGLE

A triangular-shaped portion of land established at street intersections or intersections of driveways and streets in which nothing is erected, placed, planted or allowed to grow beyond 30 inches in height in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGNS

See Article XII, Section 96-12.

SITE

Any plot or parcel of land or combination of contiguous lots or parcels of land.[1]

SITE PLAN REVIEW

The examination of the specific development plans for a lot. The term "site plan approval" means a requirement that the site plan be approved by the approving authority prior to the issuance of a building or certificate of occupancy.

SLOPE

The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

SMOKE

Solid particles generated as a result of the incomplete combustion of material containing carbon.

SOIL

All unconsolidated mineral and organic material of whatever origin that overlies bedrock and can be readily excavated.

SOLAR ACCESS

A property owner's right to have the sunlight shine on the owner's land.

STEEP SLOPE

Land areas where the slope is greater than 14.99%.

STORMWATER DETENTION

Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, porous pavement, or any combination thereof.

STORY

That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above. A story height shall mean the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, when there is no ceiling, to the top of the roof rafters. See also “Half-Story”.

STORY, FIRST

The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

STREET

Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway or which is shown upon a plat heretofore approved pursuant to law or which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a 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 and other areas within the street lines.

STREET LINE

The edge of the existing or future street right-of-way, whichever is wider, as shown on an adopted Master Plan or Official Map or as required by this chapter, forming the dividing line between the street and the lot.

STRUCTURAL ALTERATION

Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

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.

SUPERMARKET

A retail establishment primarily selling food as well as other convenience and household goods.

SWIMMING POOL

Any structure having a depth greater than two feet and a water surface area in excess of 100 square feet which is used for swimming, bathing or wading purposes.

TEMPORARY USE

A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

TENNIS COURT

An improved area used for playing tennis. See also “Private Recreation Court”

THEATER

A building or part of a building devoted to showing motion pictures or for dramatic, musical or live performances.

TOPOGRAPHY

The configuration of a surface area showing relative elevations.

TOWNHOUSE

A building designed for or occupied by no more than one family or household and attached to other similar buildings or structures by not more than party walls extending from the foundation to the roof and providing two direct means of access to the outside. Furthermore, each such dwelling unit shall be provided with cooking, sleeping and sanitary facilities for the exclusive use of each family or household. For purposes of this chapter, a townhouse may include a building or groups of buildings in fee simple, a condominium, cooperative or leasehold ownership, or any combination thereof.

UNDEVELOPED OR UNIMPROVED LAND

Land in its natural state before development

UNIQUE NATURAL FEATURES

That part of the natural environment which is rare or not duplicated in the community or region.

USE

The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

UTILITY

Services, including but not limited to sewage treatment, water supply, gas, electric, fiber optics, telephone, cable television and other forms of communications, regulated by the Public Utilities Commission.

VARIANCE

Permission to depart from the literal requirements of this chapter pursuant to the Municipal Land Use Law.

VEGETATIVE PROTECTION

Stabilization of erosive or sediment-producing areas by covering the soil with permanent or short-term seeding, mulching or sodding.

WADING POOL

An aboveground or in-ground structure containing less than 24 inches of water.

WAREHOUSE

A building used primarily for the storage of goods and materials.

WAREHOUSING

Terminal facilities for handling and storing goods and materials without vehicle maintenance.

WATER TABLE

The upper surface of groundwater or that level below which the soil is seasonally saturated with water.

WHOLESALE ESTABLISHMENTS

The sale of products in bulk to retailers, other merchants, or industrial, institutional, and commercial users mainly for resale or business use. No wholesale use shall sell directly to the public.

YARD

An open space which lies between the principal or accessory building or building and the nearest lot line which is unoccupied and unobstructed from the ground upward except as herein permitted. In an apartment, townhouse, industrial or office park zone or other development where more than one building may be erected on a lot, yards shall also be the open space extending between structures. All yard dimensions shall be measured horizontally and at right angles to either a straight street line lot line or building facade or perpendicular to the point of tangent of curved lot lines and facades. The minimum distance between buildings in developments where there is more than one building on a lot shall be no closer to one another than the sum of both their respective side yards. Powerboats and sailboats, motor homes and similar vehicles shall not be permitted to be parked in any yard in a residential zone unless such vehicles are fully enclosed.

YARD, FRONT

An open space extending the full width of the lot between the front lot line and the principal building, unoccupied and unobstructed from the ground upward except as may be specified elsewhere in this chapter. The depth of the front yard shall be measured parallel to and at right angles to the front lot line.

YARD, REAR

A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building. The depth of the rear yard shall be measured parallel to and at right angles to the rear property line.

YARD, SIDE

An open, unoccupied space between the side line of the lot and the nearest line of the principal building extending from the front to the rear yard setback. The width of the side yard shall be measured parallel to the side line and at a right angle to the lot.

ZONE

A specifically delineated area or district within Ridgefield Park in which regulations and requirements are uniformly established concerning the use, placement, spacing and size of land and buildings.

ZONING BOARD

The Board of Adjustment of the Village of Ridgefield Park as continued under this chapter.

ZONING MAP

The Zoning Map of the Village of Ridgefield Park, New Jersey, prepared by Boswell Engineering Associates, P.A, and Kenneth Ochab Associates, LLC, dated October 30, 2023, together with all amendments subsequently adopted.

ZONING OFFICER

As designated by the governing body.

ZONING PERMIT

A document signed by the Administrative 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 or structure or building complies with the provisions of this chapter or a variance therefrom duly authorized by the Planning Board or the Board of Adjustment, as the case may be.

ARTICLE III – ZONING DISTRICTS

§96-3 ESTABLISHMENT OF DISTRICTS

§96-3.1 DISTRICTS DESIGNATED

For the purposes of this chapter, the Village of Ridgefield Park is hereby divided into the following types of districts, differentiated according to use, area and bulk regulations, and to be designated as follows:

Zone Designation	Zone Description
R-1	Single-Family Residential District
R-2	Single- and Two-Family Residential District
R-3	Multifamily Residential District
R-4	Medium Density Multifamily District
C-1H	Central Business Historic District
C-2	Neighborhood Commercial District
I-1	Light Industrial District
I-2	Heavy Industrial District
I-3	Neighborhood Industrial District
OP-1	Office Park District
WD-1	Warehouse Distribution District
OS	Open Space District
ARTS	Arts and Culture Overlay Zone

§96-3.2 ZONING MAP

The location and boundaries of said districts are hereby established on the Zoning Map of the Village of Ridgefield Park prepared by Boswell Engineering Associates and Kenneth Ochab Associates, LLC, dated

October 30, 2023, as may be amended or supplemented, which is hereby made a part of this chapter. Said map or maps and all notations, references and designations shown thereon shall be, as such, a part of this chapter as if the same were all fully described and set forth herein.

[1] *Editor's Note: The Zoning Map of the Village is included as an attachment to this chapter.*

§96 -3.3 INTERPRETATION OF ZONE BOUNDARIES

- A. Designation of zone boundaries. The zone boundary lines are intended generally to follow the center lines of streets, the center lines of railroad rights-of-way, existing lot lines, the center lines of rivers, streams and other waterways, and municipal boundary lines. When a district boundary line does not follow such a line, its position shall be shown on the Zoning Map by a specific dimension expressing its distance, in feet, from a street line or other boundary line as indicated.

- B. Determination of doubtful lines. In cases of uncertainty or disagreement as to the true location of any zone boundary line, the determination thereof shall lie with the jurisdiction of the Board of Adjustment.

§96-4 DISTRICT REGULATIONS

§96-4.1 SCHEDULE OF REGULATIONS

The development regulations that control permitted uses, accessory and conditional uses, are hereby as set forth in Schedule 1 attached hereto. Development regulations that control lot configuration, coverage, height and yard requirements in the zones listed in Schedule 1 are set forth in Schedule 2 attached hereto.

§96-4.2 APPLICATION OF REGULATIONS

Except as hereinafter otherwise provided:

- A. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as specified among the uses hereinafter listed as permitted in the district in which such building or land is located.

- B. No building or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

- C. No building or structure shall be erected, no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.

- D. No yard or other open space provided around any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other

building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

E. No minimum off-street parking area or loading or unloading area shall be considered as providing off-street parking, loading or unloading for a use or structure on any other lot or parcel than the principal use to which it is ancillary, except as provided herein.

F. The sale of goods outside the confines of a building or structure is prohibited except for the following:

- (1) The sale of automobiles by new automobile sales dealerships.
- (2) Outdoor sales for nonprofit and philanthropic organizations, subject to the issuance of a special permit by the Village Board of Commissioners, on public or quasi-public lands as provided by law.
- (3) Outdoor sales of winter holiday season trees and wreaths, subject to the issuance of a special permit by the Village Board of Commissioners.
- (4) The sale of gasoline and related automobile parts at automobile service stations.
- (5) Pre-existing garden supply retail stores in the C-1H zone.

G. No commercial trailers, recreation vehicles, trailers or vehicles used or intended for conveyance upon public highways, either under their own power or by attachment to a motor vehicle or through other means of transportation, shall be parked on any premises in any zoning district within the Village. Any commercial trailers or vehicles described in the preceding sentence shall be deemed to be used for storage purposes if the trailer or vehicle remains on the premises in excess of seven days.

§96- 4.3 GENERAL USE RESTRICTIONS

Any use not specifically designated as a principal permitted use, an accessory use or a conditional use is specifically prohibited from any zone district in the Village.

§96-4.4 AFFORDABLE HOUSING OBLIGATIONS

All applicants for the construction of any new buildings or additions to new buildings, whether they be residential, commercial or industrial, shall be required to comply with the applicable regulations promulgated by the New Jersey Council on Affordable Housing, N.J.A.C. 5:94-1 et seq. and N.J.A.C. 5:95-1 et seq., as well as any provisions contained in the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., at the time the application is approved by the Ridgefield Park Planning Board or the Zoning Board of Adjustment. Any applicant may be required to contribute to the affordable housing trust fund maintained by the Village of Ridgefield Park and/or construct affordable housing units within the Village of Ridgefield Park, in accordance with the above rules and regulations and in accordance with the Code of the Village of Ridgefield Park.

§96-5 RESIDENTIAL LOT, HEIGHT AND YARD REGULATIONS

§ 96-5.1 EXISTING ZONE LOTS OF RECORD.

- A. In any residential zone, only a one-family dwelling may be erected on a nonconforming lot of official record at the effective date of this chapter, irrespective of its area or width; provided, however, that no adjacent or adjoining vacant land exists or existed at the time of the effective date of this chapter which would create a conforming lot if all or part of said vacant land were combined with the subject lot. No lot or lots in single ownership hereafter shall be reduced so as to create one or more nonconforming lots.
- B. The area or dimension of any zone lot, yard, parking area or other space shall not be reduced to less than the minimum required by this chapter, and if already existing as less than the minimum required by this chapter, said area or dimension may be continued and shall not be further reduced.
- C. Any nonconforming lot existing on or before October 22, 1968, for use as a single-family dwelling, may have a building permit issued without an appeal for a variance, provided the new structure or addition does not violate the building coverage requirements, any height or setback requirements and the parking requirements and the nonconforming lot abuts lots on either side that are developed and the nonconforming lot is the largest possible assemblage of contiguous land under the preceding subsection. The side and rear yards may be reduced by the same percentage that the area of the undersized lot bears to the zone district requirements, except that no yard shall be less than 1/2 that required by this chapter or five feet, whichever is greater, as set forth in this chapter.
- D. Two-family dwellings shall be a permitted use in the R-2 residential zone subject to the submission of a plot plan to the Planning Board as defined under § 96-2.2 herein. All two-family buildings that are to be constructed as a new building, an expansion of a one-family residence to a two-family dwelling; or a modification in an existing two-family dwelling, whether or not the application requires one or more "c" variances shall be required to submit a plot plan to the Planning Board.
- E. Whenever land has been dedicated to the Village in order to meet the minimum street width requirements or to implement the Official Map or Master Plan, the Building Inspector shall not withhold a building and/or occupancy permit when the lot depth and/or area was rendered substandard due to such dedication and where the owner has no adjacent lands to meet the minimum requirements.
- F. For any zone lot which is located in more than one zone district, which districts differ in character by permitting residential, commercial, office or industrial uses, all yard, bulk and other requirements shall be measured from the zone boundary line and not the true lot line.

§96.5.2 BUILDING COVERAGE

- A. The maximum building coverage for any lot shall not be greater than is permitted in the district where such buildings and structures are located and shall include all principal and accessory buildings and roofed porches, roofed decks, and roofed elevated patios.

§96-5.3 LOT COVERAGE

- A. The maximum lot coverage for any lot shall not be greater than is permitted in the district where such buildings and structures are located and shall include principal and accessory buildings as well as all areas of impervious surfaces such as walkways, driveways, garages, patios, swimming pool hard surfaces, parking areas and detention and water quality basins.
- B. Within the R-1, R-2, R-3, R-4 Zones, single-family and two-family residences, where established as a principal permitted use, shall maintain a maximum improved lot coverage within the required front yard setback area of no greater than 40%. However, no off-street parking within the required front yard shall exceed 20 feet in width.
- C. The maximum permitted building coverage for one-family and two-family houses is 2,500 square feet or as per Schedule 2, whichever is less.
- D. The maximum permitted impervious surface coverage for one-family and two-family houses is 5,000 square feet or as per Schedule 2, whichever is less.

§96- 5.4 LOT WIDTH

- A. The minimum lot width shall be measured at the front yard setback line as required for the district in which it is located. In case of irregularly shaped lots whose sides are not parallel, the width of the lot shall not be less than 75% of the required lot frontage measured at the front lot line.

§96-5.5 CORNER LOTS

- A. Corner lots and sight triangles. At all street intersections, no obstruction exceeding 30 inches in height above the established grade of the street at the property line, other than an existing building, post, column, hedge or tree, shall be erected or maintained on any lot within the area bounded by the line drawn between points along such street lot lines 25 feet distant from their intersection.
- B. Corner lots shall have front yard setback dimensions along each street. The front of the lot shall be the mailing address of the property. There will be one side yard setback and the rear yard setback shall be measured from the lot line parallel to the front lot line.

§96-5.6 THROUGH LOTS

- A. A through lot shall be considered as having two street frontages, both of which shall be subject to the required front yard requirements of the Zoning Schedule of this chapter. The remaining lot lines shall be considered as side lot lines for the purpose of determining setback requirements.

§96-5.7 STREET FRONTAGE

- A. Every lot or parcel created by subdivision and every principal building built upon a lot shall provide frontage upon an improved and approved street in accordance with the street standards established by the Village.
- B. Any property which contains access to one or more approved and improved streets at its property line but does not contain sufficient street frontage as required herein shall not be construed to be landlocked. Where such conditions do exist or are created by virtue of a subdivision, no building permit or occupancy permit shall be granted unless and until said property contains the required amount of street frontage as required herein.
- C. This provision is not to be construed to provide any building or zone lot which contains less street frontage than required herein or to create a building or zone lot, with an existing structure or structures located thereon, with less street frontage than as required.
- D. The minimum lot frontage shall be measured at the front lot line or street line as required for the district in which it is located. In cases of irregularly shaped lots whose sides are not parallel, the minimum street frontage shall not be less than 75% of the required minimum lot width.

§96-5.8 HEIGHT REGULATIONS

- A. No building or structure shall have a greater number of stories or greater number of feet than are permitted in the district where such building is located.
- B. All rooftop appurtenances shall be appropriately screened from all adjoining properties with architectural screening, the material, color and composition of which shall be approved by the appropriate Land Use Board.
- C. Permitted exceptions. Height limitations stipulated elsewhere in this chapter shall not apply to church spires, belfries, cupolas and domes, monuments, chimneys, flagpoles, fire towers, water towers or to necessary mechanical appurtenances or to parapet walls, except that no parapet wall may extend more than four feet above the limiting height. A parapet wall less than four feet in height shall provide a railing on top of the wall as determined by Village Fire Officials.
- D. Height of a principal structure which exceeds the maximum building height in the zone district. The height of any principal structure that exceeds the maximum building height within the zone

district in which it is located by 10 feet or 10% of the maximum height shall constitute a "d(6)" variance under N.J.S.A. 40:55D-70. Under these conditions, the Board of Adjustment shall have exclusive jurisdiction over the application.

- E. The maximum permitted building height is limited to 32 feet for single and two-family homes. The maximum permitted height from the finished first floor to the grade plane shall be limited to 5 feet above the grade plane. All roofs shall have a minimum pitch of four inches vertical distance to each 12 inches of horizontal distance.
- F. All measurements for purposes of height shall be to the peak of the proposed roof. All roofs shall have a minimum pitch of four inches vertical distance for each 12 inches of horizontal distance. Flat roofs are prohibited.
- G. Building Height Regulations in Flood Prone Areas – See section 96-11.4G.

§ 96-5.9 YARD REGULATIONS.

- A. Within the R-1, R-2, R-3 and R-4 Zones, for single-family and two-family residences, where established as a principal permitted use, on any block front where the average of the front yard setbacks along a given street in the same block is greater than the minimum setback required by this chapter, the minimum front yard setback shall be increased to be equal to the average of the existing front yard setbacks.
- B. Required yards shall be open to the sky, unobstructed except for the ordinary projection of parapets, windowsills, doorposts, rainwater leaders and other similar ornamental or structural fixtures which may not project more than six inches into such yards.
- C. Cornices, canopies, eaves, bay windows, balconies, fireplaces, uncovered stairways and necessary landings and chimneys and other similar architectural features may project a distance not to exceed two feet.
- D. Patios may be located in any side or rear yard, provided that they are not closer than five feet to any property line.
- E. Chimneys and flues may be erected within any yard, provided they do not exceed 10 square feet in aggregate external area.
- F. Self-supporting walls and fences may project into any required side or rear yard, provided that any accessory retaining wall or fence is not higher than six feet in height. Fences and walls in the front yard shall not exceed four and shall not obstruct automobile vision. The requirements of § 96-5.5A shall also apply where applicable.

- G. Front yard requirements affected by the Official Map. Where any lot shall front on a street right-of-way which is proposed to be widened as indicated on the Official Map of the Village, the front yard and the front or side yard of a corner lot in such district shall be measured from such proposed right-of-way line.

§ 96-5.10 NUMBER OF BUILDINGS RESTRICTED.

There shall be no more than one principal residential building on each lot in the R-1, R-2, R-3, and R-4 zones, except as may be permitted for townhouses and apartments.

§96-5.11 BASEMENT USE

Basements may be used for habitable space purposes if they meet the definition of “basement”. Cellars may not be used for dwelling purposes. Basements shall not be used as separate dwelling units. Basement habitable spaces shall comply with all building and sub-code regulations.

§96-5.12 ATTIC USE

Use above the second floor in one and two-family homes is intended to be utilized as storage space. If the attic space qualifies as a half-story, the space may be used as habitable space. Attic habitable spaces shall comply with all building and sub-code regulations. See “half-story” definition.

§96 5.13 ACCESSORY STRUCTURES AND USES IN RESIDENTIAL ZONES

- A. Any accessory building or structure attached to a principal building shall be considered part of the principal building and shall adhere to the yard and coverage requirements of the principal buildings.
- B. No accessory structure shall be located in the front yard of any lot. On corner lots, an accessory structure may be located on the side street but must meet the principal building front yard setback requirements.
- C. Accessory structures shall only be constructed in the side and rear yard of any lot.
- D. No accessory structure(s) shall exceed 20% of the rear yard or side yard area or 650 square feet in size, whichever is less.
- E. No accessory structure shall exceed 15 feet in height.
- F. Accessory structures shall meet the following setback requirements:
 - 1. Side yard setback - 3 feet
 - 2. Rear yard setback - 3 feet
 - 3. Setback to other buildings or structures on the property - 10 feet.
- G. Outdoor lighting in residential zones (R-1 and R-2) shall be considered as accessory structures. Lighting shall be restricted to building facades and shall not be directed to any adjacent property or street. All lighting shall comply with Subsection 96A-33.

§96-5.14 FENCES AND WALLS

Fences and walls shall not be located in any required sight triangle nor, in any residential district, shall a fence be over six feet high in side and rear yards and four feet high in front yards and all yards fronting on a public street. Any fence that fronts on a public street shall have a minimum of 30% of its façade open to the air and light. Any fence or wall in the front yard shall be located either 2 feet from the front property line or 2 feet behind the sidewalk whichever is greater. The height restriction shall not include decorative fence posts with a maximum height of eight inches above the top of the fence. All fences shall be constructed so that the decorative side of the fence faces the street or adjoining property. Fences and walls require a building permit from the Building Department.

§96-5.15 HOME OCCUPATIONS

Home occupation uses are permitted as accessory uses in all residential zones. Home occupations shall conform with the following standards:

- A. A home occupation shall be incidental to the principal use of a dwelling unit for residential purposes. The area set aside for home occupations and/or for storage purposes in connection with a home occupation shall not exceed 25% of the floor area (FA) of such residence and shall be restricted to the first floor of the home. In calculation of FA, the area of garages, basements, cellars and attics shall be excluded from such calculation.
- B. There shall be no outdoor storage of materials or equipment. Merchandise shall not be displayed or offered for sale either within or outside the residence.
- C. A home occupation shall be carried on wholly within the principal building. No home occupation or storage in connection with a home occupation shall be allowed in accessory buildings or detached garages, driveways, walkways or yards.
- D. There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation. No advertising displays or signs shall be permitted, except for a nameplate indicating the name and profession of the resident consistent with this chapter's requirements for signs.
- E. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes or odor detectable to the normal senses off the property. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in the line voltage off the premises. No hazardous or toxic materials, as defined by state or local codes, shall be stored on the premises.
- F. The home occupation must be conducted by a person who occupies the premises as his or her principal residence.
- G. The occupant who conducts the home occupation must apply for and obtain a zoning permit prior to commencement of the home occupation.
- H. All home occupations shall submit an application for approval of the proposed use to the Planning Board for review and approval.

§ 96-5.16 PRIVATE RECREATION COURTS.

Private recreation courts (i.e. tennis, basketball) are permitted as an accessory use in the R-1 and R-2 Zones only, provided that:

- A. The improved lot coverage does not exceed that permitted by the Schedule of District Area, Yard and Bulk Requirements-
- B. The recreation court shall not be located closer than 15 feet to any side lot line and not closer than 20 feet from any rear lot line.
- C. The recreation court can only be located in the rear yard portion of the premises.
- D. A fence with a maximum height of 10 feet shall be permitted incidental to the court.
- E. Lighting designed for illumination of the recreation court for night use is prohibited.
- F. The court may be used only by the residents of the premises and their non-fee-paying guests and shall not be used as a revenue-generating operation.
- H. Pickleball Courts are specifically not permitted under this section.

§96-5.17 SHORT-TERM RENTAL USE IN RESIDENTIAL DISTRICTS PROHIBITED

The short-term rental of residential dwellings or a portion of a residential dwelling for any period of time less than thirty (30) days is prohibited. Rental apartments or residences shall not be occupied by short term occupants obtained through short term rental businesses such as Airbnb, Vacation Renter, Home to go or Air DNA.

ARTICLE VI – SUPPLEMENTARY REQUIEMENTS FOR PERMITTED USES

§96- 6.0 - SUPPLEMENTARY REQUIREMENTS FOR PERMITTED USES

§96-6.1 SITE PLAN APPROVAL REQUIRED

Multi-family residential uses, commercial, industrial and institutional uses shall be required to obtain site plan approval, including approval for water and sewer service.

- A. Each overall development shall have a compatible architectural and landscaping theme with variations in design to provide attractiveness to the development. Each project shall specify how each of the following considerations has been incorporated into the overall plans: landscaping techniques, building orientation to the site and to other structures, topography, natural features such as wooded areas, drainage courses, soil conditions and topographic relief, and building design features such as varying unit widths, staggering unit setbacks, providing different exterior materials, changing rooflines and roof designs, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singularly or in combination.
- B. All required open space and recreation areas shall be improved for the purpose intended as shown on the plan. For any development in excess of 10 dwelling units, a minimum of 15% of the total land area shall be set aside and developed for usable recreation area or landscaped area with benches. Such area shall be in one usable tract not exceeding 5% in slope in any direction. The

requirement for such area to be in one tract may be varied, subject to showing that there would be a greater benefit in having separate sections for outdoor living or to provide a more desirable building setting. Regulations governing swimming pools shall be in accordance with § 96-11.3.

- C. The location of recreational facilities shall consider the proximity of structures, type of recreational facility, noise level and evening illumination which may create nuisances for residents, and pedestrian and bicycle traffic across major interior roads or driveways. The periphery of any recreation area shall be no closer to a residential structure than the minimum yard setback for that structure.

§96-6.2 TOWNHOUSE REQUIREMENTS

- A. The maximum gross density permitted for townhouse development shall be not greater than 7 dwelling units per acre.
- B. Area and bulk requirements shall be complied with as set forth in Schedule 2.
- C. Multiple townhouse buildings are permitted. The minimum distance between buildings shall be as set forth herein;
 - a. Side to Side - 25 feet; if driveway between buildings, increase to 50 feet.
 - b. Rear to Side - 50 feet
 - c. Front to Side - 60 feet
 - d. Rear to Rear – 60 feet
- D. No townhouse shall be less than 20 feet in width.
- E. No less than 3 townhouse units and no more than 6 units shall be in one building.
- F. Attached raised decks shall not extend beyond the building by 8 feet. Patios shall not be placed within 20 feet of the side or rear property lines and are not permitted in the front yard.
- G. Any accessory buildings and structures shall be located in the side or rear yards only in accordance with §96-5.13.
- H. Off-street parking shall be in conformance with New Jersey Residential Site Improvement Standards, NJAC 5:21 et. seq.
- I. Townhouse development adjacent to single- or two-family structures or the R-1 or R-2 zones shall provide a buffer of 20 feet from the adjacent residential properties and zones. Buffers shall be landscaped in accordance with §96-9.
- J. Building plans and elevations shall show a variation in design to be achieved by types of roofs, heights of eaves and peaks, building materials and architectural treatment of the building facade.
- K. Minimum floor area – Each townhouse dwelling unit shall have a minimum floor area, exclusive of attic, basement and cellar floors, of 600 square feet, plus 200 square feet for each habitable room other than the living, dining and kitchen rooms.

§96-6.3 APARTMENT REQUIREMENTS

- A. Area and bulk requirements for apartments shall be established in the R-3 and R-4 zones as set forth in Schedule 1
- B. Configuration of structures.
 - 1. The configuration of apartment structures may be any alignment that meets the yard and other bulk requirements of this chapter and does not exceed the following overall or component building lengths:
 - a. One hundred feet in any one plane.
 - b. Two hundred fifty feet on any angle.
 - c. Five hundred feet along the center line.
 - 2. Any passageway between two structures which has a roof attached to both structures shall be included in calculating these lengths. No apartment building shall be located closer to a one- or two-family dwelling than 50 feet in an R-4 District and 40 feet in an R-3 District.
- C. All required open space and recreation areas shall be improved for the purpose intended as shown on the plan. For any development in excess of 10 dwelling units, a minimum of 15% of the total land area shall be set aside and developed for usable recreation area or landscaped area with benches. Such area shall be in one usable tract not exceeding 5% in slope in any direction. The requirement for such area to be in one tract may be varied, subject to showing that there would be a greater benefit in having separate sections for outdoor living or to provide a more desirable building setting. Regulations governing swimming pools shall be in accordance with § 96-11.3.
- D. The location of recreational facilities shall consider the proximity of structures, type of recreational facility, noise level and evening illumination which may create nuisances for residents, and pedestrian and bicycle traffic across major interior roads or driveways. The periphery of any recreation area shall be no closer to a residential structure than the minimum yard setback for that structure.
- E. Buffer requirements. There shall be established along the line of any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 20 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district. No building or impervious surface shall be permitted within the buffer area. Existing vegetation should be preserved in the buffer area where possible.
- F. Off-street parking shall be in conformance with New Jersey Residential Site Improvement Standards, NJAC 5:21 et. seq. See Article X.

§96-6.4 SUPPLEMENTARY REQUIREMENTS IN C-1H ZONE

- A. All applications for building permits involving the exteriors of buildings with commercial uses in the C-1(H) Zone visible from a public street and, even where not requiring a building permit, exterior alterations, including painting and signs, shall be referred by the Construction Official to the Historic Preservation Commission for a written report, which shall be made within 45 days. The Chairman of the Historic Preservation Commission may act in the place of the full Commission for purposes of this section.
- B. If, within the forty-five-day period, the Historic Preservation Commission, the Planning Board or Zoning Board of Adjustment, recommends to the Construction Official against the proposed building change or recommends conditions, the Administrative Officer shall deny issuance of the permit or other approval or include the conditions, as the case may be. Failure to report within the forty-five-day period shall be deemed to constitute a report in favor of the issuance of the permit or approval and without the recommendation of conditions in the permit or approval.
- C. The review criteria shall be the "Building Design Guidelines for the Ridgefield Park Central Business Historic District," which shall be maintained in the office of the Village Construction Code Official. Said criteria shall be made part of this chapter.
- D. Destruction of historic and architecturally significant buildings and structures shall be discouraged. Demolition or removal may be forbidden or postponed for a period of six months, after a public hearing granted to the applicant, if requested, and the Historic Preservation Commission shall consult civic groups and public agencies to ascertain how the Village may preserve the building or structure. The Historic Preservation Commission is empowered to work out with the owner feasible plans for the preservation of buildings and structures. Moving of such buildings and structures shall be encouraged as an alternative to destruction. If no feasible alternative is reached, demolition or removal shall be permitted.
- E. When it is necessary to move a historic or architecturally significant building or structure to another site within the Village of Ridgefield Park in order to preserve it, upon approval of relocation plans by the Historic Preservation Commission, said building or structure may be relocated, provided that it fulfills the area regulations of said zone as to lot size, setback and yard area. If, however, relocation is within or adjacent to the C-1(H) Central Business Historic District Zone, it may be in the public interest to grant a variance from normal yard requirements, and where it is deemed by the Historic Preservation Commission that such a variance will not adversely affect neighboring properties and will maintain the historic appearance of the site, the Historic Preservation Commission may recommend to the Board of Adjustment or the Planning Board that such variance from normal yard requirements be made.

F. Nothing in this section shall prohibit the repair or rebuilding of any historic building or structure in order to maintain or return said building or structure to its original condition prior to its deterioration or destruction nor to prevent the alteration, repair or demolition of any recent building, structure or addition out of keeping with the architectural character of said area. Nothing in this section shall be construed to prevent ordinary maintenance or repair of an exterior architectural feature now or hereafter in the C-1(H) Central Business Historic District Zone which involves no change in design, material, color or outward appearance thereof, nor shall anything in this section be construed to prevent the construction, reconstruction, alteration or destruction of any such feature which the Construction Official shall determine is required by public health, safety and general welfare because of an unsafe or dangerous condition.

G. Design criteria for retail buildings in the C-1H zone. The following standards are design guidelines that are strongly encouraged for use the C-1H Zone. All portions of a site not developed with buildings, parking lots, or walks should be suitably landscaped.

(1) Building facade wall area.

- (a) All work performed within the C-1H District should be visually compatible with the existing streetscape and be constructed from the same, similar or complementary materials.
- (b) Massing of new buildings and additions to existing buildings should appear to be balanced. Buildings should be in proportion to and of a similar scale to existing buildings.
- (c) Buildings with expansive blank exterior walls are discouraged. Windows and other architectural devices should give each wall detail and interest.
- (d) Colors employed on new buildings and additions to existing buildings should be visually compatible with the overall streetscape of the zone.
- (e) Architectural detailing. All proposed building facades of each building should have a coordinated architectural design and style. The architectural detailing of buildings shall be true to the architectural style or theme selected for the development. The architectural elevations should provide some differentiation from building to building on a tract to create variety and interest but should not be so dissimilar as to detract from the overall architectural composition of the development.
- (f) For each primary building frontage, at least 30% of the area between three feet and 10 feet in height should be clear/non-tinted window glass permitting a view of the building's interior.

(2) Streetscape

- (a) Streetscape. The development shall include a cohesive thematic streetscape design, consistent and compatible with previously installed streetscape designs on the same side or opposite side of the street block, if any, that includes such items as sidewalk pavement design, stylized street lighting and thematic street tree planting. Developer proposed

improvements to be planted, installed or constructed within public rights-of-way shall be approved by the governing body prior to construction or installation. The streetscape shall include the following elements:

- (b) Sidewalk areas should include creative use of stylized brick or concrete pavers, colored and stamped concrete or decoratively scored concrete.
- (c) Street lighting should incorporate the use of stylized light fixtures that complement the proposed building architecture. The following standards shall apply.
 - [1] Light fixtures should incorporate sufficient photometric controls which shield the source of lighting from adjacent buildings or properties.
 - [2] Height of the street lighting fixtures should be residential in scale and should not exceed a twelve-foot mounting height.
 - [3] Lighting levels proposed should conform to all applicable ordinance standards provided herein.
- (d) Pedestrian crossings of roadways should be accentuated through the use of differential pavement crossings.
- (e) Shade trees. Shade trees. Shade trees shall be provided for all streets and parking areas and shall be in accordance with the following standards:
 - [1] Shade tree planting layout should complement the overall theme for the development as a whole.
 - [2] Spacing between trees shall be determined based upon species and the desired theme. The spacing should range between 25 feet to 35 feet on center. There shall be a minimum of one shade tree per 10 parking spaces within all parking lots.
 - [3] There should be several species of shade trees incorporated into the design of the overall project to avoid problems associated with a monoculture.
 - [4] Choice of tree species should be based on form and on site conditions and shall be subject to the approval of the Shade Tree Committee.
 - [5] Shade trees shall be a minimum of three inches in caliper.

H. Residential apartments above permitted C-1H uses are permitted accessory uses. The following requirements apply to such apartments in this zone:

- 1. Residential apartments are only permitted above C-1H uses that front on Main Street and Mt. Vernon Street.
- 2. The implementation of residential apartments shall conform to the C-1H area and bulk requirements as set forth in Schedule 2.
- 3. Apartments shall conform to the following minimum areas:
 - a. Studio - 450 square feet
 - b. 1 bedroom – 550 square feet
 - c. 2 bedroom – 900 square feet
 - d. 3 bedroom – 1200 square feet

4. The bedroom type shall be mixed within each development according to the following distribution:
 - a. Studio – 10% maximum
 - b. 2 bedroom – 10% minimum
 - c. 3 bedroom – 5% minimum
5. Apartments shall comply with all building code and sub-code requirements.
6. Off-street parking may be waived by the Planning Board if it can be demonstrated that sufficient off-street parking is available within the C-1H zone area. This may include using public parking lots or entering into an agreement with other property owners for parking. This provision is only available for development on Main Street properties.
7. Mt. Vernon Street properties shall comply with the New Jersey Residential Site Improvement Standards for off-street parking, which must be made available on-site or off-site.

I. Buffer Requirements in the C-1H zone.

Buffer requirements. There shall be established along the line of any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 10 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district. No building or impervious surface shall be permitted within the buffer area. Existing vegetation should be preserved in the buffer area where possible.

J. Off-Street Parking Requirements

- (1) In the C-1H zone, the development of a lot of 5,000 square feet or less shall not be subject to the off-street parking requirements in Article VIII
- (2) Development of lots where buildings on adjacent lots are at the side property lines shall not have driveways or curb cuts.
- (3) Applicants for development in the C-1H zone that are not proposing off-street parking shall provide an analysis of the capacity of on-street or off-street parking in the immediate area.

§96-6.5 SUPPLEMENTARY REQUIREMENTS IN THE C-2 ZONE

- A. The C-2 zone is intended to encourage commercial land uses that are associated with highway development. Uses such as hotels, restaurants and offices are encouraged together with service stations and auto related uses. The intent of these regulations is also to reduce the impact of the commercial uses on the adjacent residential zone. Pre-existing residential single and two-family uses are permitted uses but are not encouraged. New residential uses are not encouraged or permitted.
- B. All areas on any lot not utilized for building and off-street parking shall be suitably landscaped.

- C. All lots within the C-2 zone must provide for adequate access in accordance with engineering standards and New Jersey Department of Transportation criteria.
- D. Buffer requirements. There shall be established along the line of any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 5 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district. No building or impervious surface shall be permitted within the buffer area. Existing vegetation should be preserved in the buffer area where possible.
- E. Off-Street Parking and Loading
 - (1) See Article VIII
- F. Building Height. The building height in the C-2 zone is limited to 35 feet / 3 stories. However, the building height can be increased to 45 feet / 4 stories if the subject property is not adjacent to residential uses or a residential zone.

§96-6.6 SUPPLEMENTAL REQUIREMENTS FOR DRIVE-THROUGH FACILITIES

- A. Purpose. The intent of this section is to regulate the location and design of Drive-Through Facilities in the C-2 District. Drive-Through Facilities are restricted to areas of the C-2 zone for sites not adjacent to residential uses and neighborhoods. Bank and restaurant drive-through uses create an extraordinary environmental impact on adjacent residential areas and therefore, these provisions are enacted to alleviate these impacts as described below.
- B. Definition. A Drive-Through Facility shall be defined as a component of a business, particularly a restaurant, where service is rendered through a window to customers in their vehicles. Ordering is done through an outdoor menu board and the order is picked up at the drive-up window without the customer leaving their vehicle.
- C. Permitted Use. Drive-Through Facilities shall be a permitted use in the C-2 Neighborhood Commercial District, subject to the requirements set forth herein:
 - 1) Residential Zones and Uses. No Drive-Through Facility shall be permitted if the property is adjacent to existing residential uses or zones.
 - 2) Minimum Lot Size. The minimum lot size for Drive-Through Facilities shall be 1 acre.
 - 3) Buffer Requirements. There shall be established along the line of any side and rear property line a buffer area of at least 10 feet in width. A landscaped area of 15 feet shall be provided along the access roadway frontage. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas to adjacent uses. No building or impervious surface shall be permitted within the buffer area. Existing vegetation should be preserved in the buffer area where possible.

D. Other Design Standards.

- 1) Adequate vehicle stacking shall be provided for Drive-Through Facilities and escape aisles shall be created to mitigate congestion.
- 2) All areas on any lot not utilized for building and off-street parking shall be suitably landscaped.
- 3) All Drive-Through Facilities shall provide for adequate roadway access in accordance with engineering standards and New Jersey Department of Transportation criteria.

§96- 6.7 SUPPLEMENTAL REQUIREMENTS IN THE INDUSTRIAL ZONES (I-1, I-2, AND I-3)

A. Within the I-1, I-2 and I-3 Industrial Zones, not more than one building shall be erected upon any industrial plot, except for accessory buildings. The principal building or property may be so designed as to be used by more than one permitted use, provided that multiple uses comply with the following criteria:

- (1) The proposed use is a permitted use, not a conditional use. Outdoor storage uses (principal and accessory use) shall not be governed by these criteria but shall require submission of an appropriate application to the Planning Board.
- (2) Required off-street parking is provided for all uses (§96-8). Parking shall be calculated for each tenant or use in the building and the total parking required for the site shall be determined by adding the parking required for each use.
- (3) Impervious coverage does not exceed 75%.
- (4) Buffer and landscape requirements are adhered to as per §96-9 of this ordinance.

B. Request for additional uses in a building shall be made to the Village Building Department. If the proposed use is not permitted or does not comply with the requirements above in §96-6.7A, application shall be made to the appropriate Board for use and site plan approval. Otherwise, the Building Department may issue a zoning permit for the use.

C. Within the industrial zones, no use shall be established, maintained or conducted so that the same will cause any:

- (1) Dissemination of smoke, fumes, gas, dust, odor or any other atmospheric pollutant beyond the boundaries of the lot occupied by said use;
- (2) Noise audible beyond the boundaries of the lot where the use is conducted;
- (3) Discharge of any waste matter whatsoever into any watercourse.
- (4) Dissemination of glare or vibration beyond the immediate site on which said use is conducted.
- (5) Any undue increase in total traffic or any undue increase in commercial-vehicle traffic on any street primarily serving a residential district.
- (6) Physical hazard by reason of fire, explosion, noise, vibration, radiation or other similar cause to adjoining property.

- (7) The same will not, by its appearance, have the effect of reducing property values in the industrial zone where it is located or in any other zone adjoining the zone in which it is located.
- (8) That the lot upon which the industrial use is to be made is so landscaped as to be in harmony with the character of the borough and it or any part of it may be fenced with appropriate fencing material to a height not to exceed eight feet.

D. Buffer Requirements

- (1) In the I-1 and I-2 zones, there shall be established along any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 25 feet in width. The buffer area shall be landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district or use. No building or impervious surface shall be permitted within the buffer area. Existing vegetation should be preserved in the buffer area where possible.
- (2) In the I-1 and I-2 zones, there shall be established along any property line contiguous to a commercial or industrial use, a buffer of at least 10 feet. The buffer area shall be landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district or use. No building or impervious surface shall be permitted within the buffer area. Existing vegetation should be preserved in the buffer area where possible.
- (3) In the I-3 zone, there shall be established along any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 10 feet in width. The buffer area shall be landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district or use. No building or impervious surface shall be permitted within the buffer area. Existing vegetation should be preserved in the buffer area where possible.

E. Riverfront Buffer Requirements

- (1) Hackensack River – Properties situated along the Hackensack River shall provide a 25 foot buffer from the top of the existing river bank into the property. Such buffer shall be improved to permit the placement of a riverfront walkway and path along the River. The reviewing Board may also require a pedestrian easement from any adjacent roadway to access the walkway.
- (2) Overpeck Creek - Properties situated along the Overpeck Creek shall provide a 25 foot buffer from the top of the existing river bank into the property. Such buffer shall be improved to permit the placement of a riverfront walkway and path along the Creek. The reviewing Board may also require a pedestrian easement from any adjacent roadway to access the walkway.
- (3) The above buffer areas shall be graded, and landscaped with a walkway constructed such that it establishes an open space area along the riverfront. The site plan for the development of lots along the two waterways shall include a design for the riverfront walkway.

§96-6.8 REQUIREMENTS FOR OP-1 ZONE DEVELOPMENT

A. Maximum height in the OP-1 Zone. There shall be no maximum building height.

B. Area, yard and bulk regulations.

(1). The minimum lot size shall be 80,000 square feet.

(2). The floor area ratio shall not exceed 2.5, except the floor area ratio may be increased in accordance with the following schedule, provided that no other violations of this chapter are created in the process: For each 1,000 square feet of lot area that is landscaped, as approved on the site plan, an additional 1,000 square feet of gross floor area may be added to the building; for each lot that is larger than three acres, the floor area ratio may be increased 0.05 of each multiple of 40,000 square feet of lot area (fractional lot area are not permitted). The floor area ratio shall not be increased by more than 0.5 to a maximum of 4.0 through the application of these exceptions.

(3) No structure shall be closer to any street right-of-way line or to any property line than 30 feet for buildings not in excess of 150 feet in height. For buildings in excess of 150 feet, the setback requirement shall be increased by one foot for each additional foot of building height.

(4) The maximum building coverage shall be as follows:

Maximum Building Coverage (percent)	Lot Coverage (percent)
40	75

(e) The maximum impervious lot coverage (building plus paving plus parking lots and parking garages and other impervious surfaces) shall not exceed 75%. The remaining 25% shall consist of landscaped areas.

C, Minimum off-street parking.- See Article VIII, §96-8.0 et seq.

D. Minimum off-street loading: See Article VIII, §96-8.1

E. Buffer Requirements

(1) Hackensack River – Properties situated along the Hackensack River shall provide a 25 foot buffer from the top of the existing river bank into the property. Such buffer shall be improved to permit the placement of a riverfront walkway and path along the River. The reviewing Board may also require an pedestrian easement from any adjacent roadway to access the walkway.

(2) Overpeck Creek - Properties situated along the Overpeck Creek shall provide a 25 foot buffer from the top of the existing river bank into the property. Such buffer shall be improved to permit the placement of a riverfront walkway and path along the Creek. The reviewing Board may also require a pedestrian easement from any adjacent roadway to access the walkway.

- (3) The above buffer areas shall be graded and landscaped walkway constructed such that it establishes an open space area along the riverfront. The site plan for the development of lots along the two waterways shall include a design for the riverfront walkway.

F. Restaurants in OP-1 Zone

- (1) Sit-down restaurants shall be permitted as part of the office complex of several buildings, provided that the following criteria are met:
 - (a) The total number of restaurants in the overall office complex shall not exceed the equivalent of 1 restaurant per office building.
 - (b) The restaurants shall be designed as a contingent part of either the interior of the office building or as part of an attached parking garage, except that 1 freestanding restaurant shall be permitted in the OP Office Park District; provided, however, that such freestanding restaurant shall be located on a single parcel of land of no less than 2 contiguous acres.
 - (c) No restaurant(s) may have drive-through or drive-up window service. All restaurants shall be of a type and design intended to primarily service the tenants and occupants as well as other permitted users of the complex; specifically, the employees and tenants of the complex as well as evening and weekend patrons of the complex.

§96-6.9 REQUIREMENTS FOR WAREHOUSE DISTRIBUTION (WD-1) ZONE

A. The intent of the warehouse distribution zone is to encourage large scale warehousing, distribution centers, fulfillment centers, bus garages and high cube and automated warehousing. The area of the zone is the Lincoln Paper property (aka Skymark) which includes the area between the N.J. Turnpike and Overpeck Creek south of Route 46.

- (1) Subdivision – Any proposed subdivision within the WD-1 zone shall be accompanied by the following:
 - a. An Environmental Impact Report discussing the effects on the community.
 - b. A traffic report and plan detailing the amount of truck and vehicle traffic and a traffic and truck routing plan.
 - c. A fiscal impact analysis showing the cost benefit results to the Village.
 - d. A subdivision plan showing the area of lots to be developed, the rights-of-way for internal roadways and sidewalks and utility areas. All utilities shall be underground.
 - e. A plan showing the location of sidewalks, utilities, bicycle lanes, crosswalks and transit stops.
 - f. An open space plan showing the areas that are to remain in their natural state such as the Eagle’s Nest area and buffer areas to the major roadways and to Overpeck Creek as well as a street tree plan for establishing shade trees along the proposed roadways.

- (2) No off-street parking or loading shall be located within 25 feet of the front property lines. The area between the street and the 25 feet shall be landscaped in accordance with a comprehensive landscape plan for the site.
- (3) On each site a minimum buffer of 15 feet shall be established along the side and rear property lines. The buffer area shall be suitably landscaped in accordance with the landscape plan and shall not be utilized for parking of vehicles or vehicle storage and shall be otherwise not be impervious.
- (4) A 50-foot-wide buffer area shall be established from the top of bank along Overpeck Creek. This buffer area shall be improved as an open space area and walkway for use by the public. Connections to adjacent open space areas and walkways shall be incorporated into the design.
- (5) Each lot proposed for development shall provide for elements of “green design”. This may include elements for on-site storm water management, green building standards, roofing systems to reduce heat generation (green roofs, white roofs and/or solar roof systems).
- (6) Lighting
 - a. All light sources shall be shielded and positioned to prevent glare from becoming a hazard or a nuisance, or having a negative impact on site users, adjacent properties, or the traveling public.
 - b. All light sources with illumination levels greater than one footcandle shall be arranged to reflect away from adjacent properties.
 - c. The number and spacing or required light pole standards shall be based on the type of fixture, height of pole, number of fixtures on the pole and the lighting level.
 - d. Poles shall not exceed 40 feet in height and shall utilize underground wiring. Poles may exceed if authorized by the Planning Board but shall not exceed 40 feet.

B. Noise – See Performance Standards Article XIII, §96-13.

C. Signage – see Article XII, §96-12.

D. Fences and walls

- (1) A fence may be erected along the side and rear property lines but shall not extend beyond the front setback line. Such fences may be up to eight feet in height. Gates shall be provided as necessary but shall also not extend beyond the front setback line.
- (2) No fence or wall shall be constructed with metal spikes or topped with concertina or razor wire, broken bottles or similar materials, or constructed in such a manner as to be dangerous to animals or humans.

E. Performance Standards. All development in the WD-1 zone shall conform to the performance standards as enumerated in Section 96-11 of this Chapter.

§96-6.10 REQUIREMENTS FOR PUBLIC AND PRIVATE BUS GARAGES AND FACILITIES

- A. The minimum lot size shall be 10 acres within the WD-1 zone.
- B. The minimum lot frontage shall be 200 feet and shall be adjoining a public street (existing or proposed).
- C. Bus garages must have a roof design that permits gases to escape through the roof structure. The roof may be flat or pitched, but shall contain roof ventilation that avoids creating unventilated pockets where gases can accumulate. Exhaust fans shall be non-ducted (direct exhaust).
- D. Building height - a minimum of 28 feet, maximum of 40 feet.
- E. The proposed facility shall be responsible for its share of constructing the Challenger Road extension from the north side of Route 46 to Bergen Turnpike. This shall include the elevation of Challenger Road over the State Highway.
- F. Facilities may be designed to be “fuel flexible” such that CNG and GH2 fuels can be accommodated on the site.
- G. Maximum Improved Lot Coverage – 80%
- H. There shall be an area for sidewalk and utilities along all streets. The developer shall provide curbing and sidewalk along all frontages of the property. There shall be a 4 foot grassed strip between the curb and sidewalk area for utilities and signs. This area shall also be planted with street trees as per the Village Shade Tree Commission.
- I. There shall also be a 20-foot buffer along any street from the property line into the project site. This area shall be planted, and a landscape plan shall be provided and implemented by the developer.
- J. There shall also be a 10-foot buffer area along all side and rear property lines which also shall be planted and landscaped in accordance with a submitted landscape plan.

§96-6.11 REQUIREMENTS FOR OPEN SPACE ZONE

- A. The intent of the Open Space Zone District is to protect and preserve critical natural resources in the Village and to foster the continued development of public open spaces and recreation areas. Much of the district is under the ownership of the Village of Ridgefield Park or the State of New Jersey Department of Transportation.
- B. Open Space areas must be retained in their natural condition. No land disturbance, filling, agricultural use or impervious surfaces are permitted in the open space zone.
- C. Off-street parking areas, pedestrian paths and areas used for access to the open space areas is a permitted accessory use with the approval of the Planning Board.

§96-6.12 VETERINARY HOSPITALS AND CLINICS

Veterinary hospitals and clinics shall be located no closer than 200 feet to any residential zone line. Such facilities shall be maintained in an enclosed structure and shall be of soundproof construction and so operated as to produce no objectionable odors at the property line. Open kennels, exercise pens or runways shall not be located closer than 400 feet to any property line and shall be subject to noise and

odor controls established for an enclosed building. Open kennels, pens or runways shall not be located within a wetland area, wetland buffer, flood hazard area or recharge area.

§96-6.13 COMMUNITY BUILDINGS, SOCIAL CLUBS, LODGES, FRATERNAL ORGANIZATIONS

- A. All buildings shall be set back a minimum of 20 feet from any property line, except where greater distances are otherwise required herein.
- B. In R Districts, where permitted, there may be included retail sales for members and their guests only.

§96-6.14 MOTELS AND HOTELS

- A. A motel or hotel shall be a principal permitted use within the C-2 and OP-1 Zone Districts.
- B. Such uses shall have a minimum area for each unit of occupancy of 300 square feet and shall include a minimum of one bedroom and a shower or bath, sink and a water closet.
- C. Off-street parking and loading facilities shall be in accordance with the requirements herein. Off-street parking shall not be permitted within 30 feet of any street right-of-way line.
- D. Motels shall be limited to no more than two stories.

§96-6.15 NURSING HOMES AND LONG TERM CARE FACILITIES

- A. Area, bulk and yard regulations.
 - 1. Minimum lot area: 80,000 square feet.
 - 2. Minimum lot area per patient bed: 1,000 square feet.
 - 3. Minimum lot width: 200 feet.
 - 4. Minimum lot depth: 300 feet.
 - 5. Maximum lot coverage: 30%.
 - 6. Maximum building height: 35 feet/three stories.
 - 7. Minimum yard requirements:

	Principal Building	Accessory Building
Yard	Feet	Feet
Front	50	50
Side, One	30	20
Side, Both	60	40
Rear	50	20

- B. Courts. Where a court is provided, it shall have dimensions the minimum of which shall be 40 feet.
- C. Recreational space. There shall be provided on the site of such development an area or areas of not less than 5,000 square feet plus 50 square feet per patient bed which shall be utilized for the recreational use of the patients therein.

§96-6.16 PIERS AND BULKHEADS

Private homes, businesses and industries established along navigable waters shall be permitted to construct piers and bulkheads for the purpose of docking boats and filling land so long as they do not interfere with the navigation of craft within the channel which they abut, and provided further that said piers and bulkheads shall have the necessary approval of the New Jersey Bureau of Navigation and state and federal agencies having jurisdiction thereover and site plan approval from the Village.

§96-6.17 SELF-STORAGE FACILITIES

A. For self-storage facilities in the I-1 and I-2 Zones, the following requirements shall be met:

- (1) Said use may include the lease or rental of space for the outdoor storage of privately owned motor homes, campers, trailers, boats and similar recreational vehicles and equipment. The area devoted to such storage shall not exceed 1/2 the ground coverage of buildings.
- (2) All storage buildings and areas shall be enclosed by six-foot-high fencing meeting the requirements of §96-10.1. No outdoor storage area shall be visible from any street or residential zone. Buffer requirements as established in §96-9 shall be adhered to.
- (3) There shall be a minimum distance between buildings of 35 feet. When a driveway or parking lane is located between buildings, the minimum distance between buildings shall be 50 feet.
- (4) All other requirements of the zone in which the use is located shall be met.
- (5) Accessory retail sales of boxes and packaging materials shall be permitted on-site; however, the rental of trucks or trailers is specifically prohibited.
- (6) Within individual storage units there shall be no storage of flammable, perishable, or hazardous materials of any kind. Further, there shall be no storage of controlled substances, firearms or animals, no operation of any machinery or generation of any operational noise, and no manufacturing process, wholesale operation or retail sales of any kind. Human habitation is also prohibited within individual storage units.
- (7) Self-storage facilities shall not operate or allow tenant access between the hours of 10:00 p.m. and 7:00 a.m.

§96-6.18 ARTS AND CULTURAL RESOURCES OVERLAY ZONE

A. Purpose

The purpose of this zoning ordinance section is to establish an overlay zone that will work concurrently with the existing zone plan to foster the implementation of arts and cultural activities into the zoning scheme of the Village of Ridgefield Park

The arts and cultural overlay zone will allow an arts district that will benefit from a mixed-use environment, where both workspace and living space is available. Mixed-use neighborhoods encourage walkable neighborhood centers and corridors, with a mix of residential and compatible non-residential uses. Buildings may contain vertical mixed-use as well as single purpose uses designed to provide transitions to adjacent lower density residential areas.

The intent of the zone is to provide for two levels of development/use intensity that is appropriate: low intensity mixed art bases uses are integrated into the downtown commercial district (C-1H zone) and a small portion of the R-2 zone adjacent to the downtown district. Higher intensity art and artisan-based uses are encouraged in the industrial zones (I-2 and I-3). The Open Space zone district (OS) will permit outdoor art and cultural activities.

The industrial mixed-use zoning district will encourage the reuse of older industrial buildings where a variety of other non-industrial uses, such as live/work dwellings and working with certain raw materials such as concrete and steel/iron would be appropriate.

B. Applicability

The boundaries of the overlay zone can generally be described as the along Main and Mt. Vernon Streets in the C-1H zone and the area to the south of Mt. Vernon Street including Lincoln and Spruce Streets as well as the south side of Park Street and the north side of Grove Street from Main Street to Lincoln Ave. In addition, the properties on the south side of Grove Street from Main Street to Paulison Ave. are included in the overlay zone.

The second area is the I-3 zone along Railroad Ave. and the I-3 zone (proposed) along Bergen Turnpike. Finally, the C-2 zone along Winant Avenue and Ridgefield Avenue are included in the zone.

C. Definitions

ART GALLERY

A commercial establishment that engages in the sale, loan, and/or display of paintings, sculpture, photography, video art, or other works of art. An art gallery does not include uses such as a library, museum, or non-commercial gallery that may also display paintings, sculpture, video art, or other works of art.

ARTIST EXCHANGE

Land and structures used as a meeting place, retreat, and exhibition center for the exchange of ideas between artists, members of the professional art community, and the general public, which may provide exhibition space, work space, meeting space, lecture halls, performance space,

and sculpture parks, as well as living and dining facilities for the staff, artists, and participants in the center's retreat programs.

ARTISTSTUDIO–GENERAL

A studio for artist activities, such as painting, sculpture, photography, or video art, with little to no outside impacts.

ARTS STUDIO - COMMERCIAL

A commercial establishment where an art, type of exercise, or activity is taught, practiced, or studied, such as dance, martial arts, photography, music, painting, gymnastics, or yoga. An Arts Studio– Commercial may have performance-space related to the classes taught on-site.

CULTURAL FACILITY

A facility open to the public that provides cultural services and facilities including, but not limited to, museums, cultural centers, historical societies, and libraries operated by a public, private, or nonprofit organization.

CULINARY STUDIO

A use where kitchen facilities are utilized to test and formulate various food preparation recipes and menus on a moderate scale. Such facilities may sell food prepared to the general public but may not have any facilities to consume food on-site. Test kitchens and ghost kitchens are similar uses.

FARMERS' MARKET

A temporary marketplace offering fresh fruits, vegetables, juices, flowers, plants, herbs, and spices produced or grown by vendors, and baked goods, dairy goods, meats, and prepared foods made by vendors, and crafts made by vendors for sale, including vendors that have taken such items on consignment for retail sale.

INDUSTRIAL ARTISAN TRADES AND STUDIOS

Artists or artisans that require the use of heavy machinery, welding or industrial materials or require the extensive use of outdoor storage of materials or art works. Metalworking, furniture making and refurbishing and woodworking are examples of such uses. The place where such activities occur is an industrial artisan studio.

LIVE ENTERTAINMENT

Any one or more of any of the following that is performed live by one or more persons, whether or not done for compensation and whether or not admission is charged: musical act, including karaoke, theatrical act, including stand-up comedy, play, revue, dance, magic act, disc jockey, or similar activity. Live entertainment is conducted in conjunction with another use, such as

a restaurant or bar, where such other use is open for business even when there are no performances scheduled and/or maintains hours of operation distinct from times of scheduled performances. Live entertainment does not include any form of entertainment related to an adult use or sexually-oriented business.

LIVE PERFORMANCE VENUE

A facility for the presentation of live performances, including musical acts, theatrical plays or acts, including stand-up comedy and magic, dance clubs, and disc jockey performances using vinyl records, compact discs, computers, or digital music players. A live performance venue is only open to the public when a live performance is scheduled and does not include any form of entertainment related to an adult use or sexually-oriented business.

LIVE/WORK STUDIO

A structure combining a dwelling unit with a non-residential use permitted in the zoning district in which the structure is located that is principally used by one or more of the residents. A live/work dwelling may also include the combination of a dwelling unit with arts-related activities, such as painting, photography, sculpture, music, and film, principally used by one or more of the residents.

MICRO-DISTILLERY

A facility for the production and packaging of alcoholic beverages in quantities not to exceed 12,000 gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside of the facility are prohibited. A separate liquor license is required for sales of alcohols manufactured on site.

MICRO-BREWERY

A facility for the production and packaging of malt beverages of low alcoholic content for wholesale distribution, with a capacity of less than 15,000 barrels per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside of the facility are prohibited.

MURALS

Painting, sculpture or mosaic that is applied to or affixed on a wall or ceiling, typically large.

MOVIE STUDIO

Facilities for the production of motion pictures and film, including stages, exterior sets, film

laboratories, sound recording facilities, construction, repair and storage facilities, caretaker and temporary housing, related commercial vehicles, and accessory fabrication activities.

MUSEUMS

An institution devoted to the procurement, care, study and display of objects of lasting interest or value. Such uses are open to the public and may charge a fee for entrance.

RECORDING AND REHEARSAL STUDIO

A facility for sound recording and mixing and/or rehearsal space.

TEMPORARY OPEN-AIR MARKET

A temporary outdoor public marketplace where goods are sold, such as flea markets, arts and crafts fairs, and art fairs.

TEMPORARY OUTDOOR ENTERTAINMENT VENUES

A temporary live entertainment site where entertainment events, such as the performance of live music, revue, or play within an outdoor space take place.

TEMPORARY MOBILE FOOD ESTABLISHMENT

A vehicle-mounted food establishment, where food preparation and service are housed in a truck or a trailer, typically called a food truck. Such uses are only permitted within Temporary Open-Air Markets, Entertainment Venues and Farmers Markets.

TEMPORARY STOREFRONT GALLERY

A temporary gallery within storefront windows where artwork is displayed to the public.

D. Uses in the Arts and Culture Overlay Zone

Properties located in the Arts and Culture Zone are shown on the accompanying map. These zones include portions of the Residential Zones (R-2 district), Business zones (C-1H and C-2 districts) and Industrial zones (I-2 and I-3 districts).

(1) Principal Art and Cultural Uses permitted in the R-2/Arts zone

- (a) Home based visual arts including art studios, painting, indoor sculpture, photography, and low impact activities, music arts within an enclosed structure, music instruction, graphic design studios, home based fashion design, film and animation studios.
- (b) Art galleries in accessory structures
- (c) Live/Work Studios within in single family structures (not two-family units) within the principal structure or accessory structure

(2) Principal Art and Cultural Uses permitted in the C-1H/Arts zone

- (a) Commercial art studios, except no industrial artisan trades

- (b) Art galleries and shops
- (c) Cultural Facilities
- (d) Theatre art venues and studios
- (e) Live performance venues
- (f) Culinary Art studios
- (g) Live/Work Studios throughout the zone, but only above retail shops on Main Street
- (h) Farmers Markets
- (i) Museums
- (j) Temporary Open-Air Markets and store-front galleries
- k) Temporary Outdoor Venues

(3) Principal Uses permitted in the Industrial District (I-2/Arts and I-3/Arts)

- (a) All the uses permitted in the C-1H zones.
- (b) Industrial artisan trades and sculpture studios
- (c) Music recording and rehearsal studios
- (d) Micro-breweries and micro-distillery facilities.
- (e) Movie Studios, film production and processing
- (f) Live/Work Studios

E. Use Standards – Live/Work Studios

- (1). All uses shall obtain approval of the use and facilities from the Village Planning Board. An application for the use and site shall be filed with the Planning Board office. No occupancy of a live/workspace shall commence without a Planning Board approval and a certificate of occupancy from the Village Building Department.
- (2). Applications for live workspaces in the C-1H, I-2 and I-3 Art zones shall include artist or artisan resumes, certificates, licenses and membership in art, artisan or craft organizations. The intent of this section is to ensure that the Village is encouraging artists to advance their professions and to avoid providing studios to people who have art as a hobby.

F. Performance Standards

(1). Live/Work Studios in the R-2 Zone

- (a). Live/Work Uses are limited to those areas of the R-2 zone within the Arts and Cultural Overlay Zone. Live/Work Studios are not permitted in the R-1 and R-2 zones outside of the Overlay Zone.
- (b). Live/Work studios are only permitted within single-family homes in the R-2/ Arts zone. Studios are not permitted in two-family homes or in accessory buildings on properties with two-family homes.
- (c). The work component of this use must be located within a fully enclosed

principal or accessory building owned or occupied by the resident artist.

(d). No processes or equipment may be used that creates undue noise, vibration, glare, fumes, or odors detectable off the property. Outdoor storage of materials, equipment and vehicles (as art or restoration projects) is prohibited.

(e). The maximum floor area of the work component within the dwelling unit may not exceed 40% in the R-2 zone.

(f). If the work area is located in an accessory structure the entirety of the first floor of the accessory structure may be used for the art or artisan work area.

(g). No more than 2 non-resident employees may be present at any one time during the hours of operation.

(h). Hours of operation of the work component that are open to the public are limited to the hours of 10 AM to 6 PM Monday through Saturday.

2). Live/Work Studios in the C-1H Zone

(a). Live/Work Uses are limited to those areas of the C-1H zone within the Arts and Cultural Overlay Zone.

(b). Work studios are only permitted within the retail spaces on the first floor of buildings in the C-1H zone with the live component located on the second floor. Live/Work Studios are not permitted above the second floor or within accessory buildings.

(c). In the C-1H zone, the residential component of the Studio may be located on the first floor to the rear of the retail/work portion of the studio if the live/workspace exceeds 1,000 square feet. In this case, no more than 50% of the space may be used for living space.

(d). No processes or equipment may be used that creates undue noise, vibration, glare, fumes, or odors detectable off the property. Outdoor storage of materials, equipment and vehicles (as art or restoration projects) is prohibited.

(e). The maximum floor area of the work component within the unit may not exceed 40% of the total live/workspace. The live space shall have a minimum size of 500 square feet and shall include kitchen and bath facilities.

3). Live/Work Studios in the I-2 and I-3 Zones

(a). Live/Work Uses are limited to those areas of the I-2 and I-3 zones within the Arts and Cultural Overlay Zone.

(b). Live/Work Studios are permitted in principal and accessory buildings.

(c). The maximum floor area of the work component within the live /work studio may not exceed 60% of the total studio space.

(d). The residential space shall have a minimum size of 500 square feet and shall include kitchen and bath facilities.

- (e). No processes or equipment may be used that creates undue noise, vibration, glare, fumes, or odors detectable off the property.
- (f). Outdoor storage of materials, equipment and vehicles (as art or restoration projects) is permitted within enclosed areas that are visually screened from the street and from adjoining properties.

4). Live Performance Venue

(a). Live performance venues must submit the following impact management plans:

- (1) A loading management plan.
- (2) A security and safety plan.
- (3) A noise abatement plan.
- (4) Live performance venues must submit the following operation plan:
- (5) The anticipated hours of operation when performances are scheduled.
- (6) Intended use of amplification and noise attenuating techniques to be used.
- (7) The size of the establishment and the size, location and configuration of the performance area within the establishment.
- (8) Maximum occupancy loads.
- (9) If the live performance venue plans an increase in intensity, such as an expansion of floor area, increase in live performance area, or increase in permitted occupancy, the impact management and operation plans must be updated and resubmitted for approval. Revised impact management plans and operation plans must be approved prior to the issuance of any permits.

5). Temporary Uses

- (a). Any temporary use permitted within the Arts and Cultural Overlay Zone shall obtain approval from the Village Planning Board as described above.
- (b). The use shall submit an application for approval which shall include a site plan showing the location of the use, off-street parking and facilities to be used by the public.
- (c). The use shall also submit a management plan detailing the following:
 - (1) The on-site presence of a manager during hours of operation who shall direct the operations and all participants [vendors, performers, exhibitors].
 - (2) An established set of operating rules addressing the governance structure of the event, hours of operation, maintenance, and security

requirements.

(3) General layout of [vendor stalls, performance areas, exhibition areas], visitor facilities, such as seating areas and restrooms, and all ingress and egress points to the site.

(4) Provision for recycling and waste removal.

(5) The days and hours of operation, including set-up and take-down times.

(6) If temporary food establishments (mobile or stationary) are provided, a plan for their location and operation including recycling and waste disposal.

6). Temporary Mobile Food Establishments

a). Temporary Mobile Food Establishments are permitted in conjunction with arts and cultural events and venues and for only as long as the event or venue's performances are active.

b). Temporary Mobile Food Establishments are not permitted within the public street rights-of-way unless in conjunction with an arts or cultural event.

c). Temporary Mobile Food Establishments shall comply with the following.

(1) All mobile food establishments must be properly licensed by the Village Board of Health, including compliance with all public health regulations.

(2) The mobile food establishment shall be located on the property of the venue or within proximity of the venue with approval of the Village Building Department.

(3) Sale of alcohol is prohibited.

(4) During business hours, the permit holder must provide a trash receptacle for customer use and must keep the area clear of litter and debris at all times.

(5) Outdoor seating may be provided on the site, but no seating may be permanently installed.

(6). A permanent water or wastewater connection is prohibited.

(7). Electrical service may be provided only by temporary service or other connection provided by an electric utility or an on-board generator.

(8). Drive-through service is prohibited.

7). Temporary Storefront Gallery

Temporary storefront gallery is permitted within the C-1H Overlay Zone in retail and mixed-use

structures. Displays must be internal to the storefront space (i.e., no exterior display of artwork), and requires a temporary storefront use permit. A temporary storefront gallery is subject to a six-month time limitation and may be renewed once for an additional six months.

G. Procedure for Approval of Arts Use

1). All arts uses shall make an application to the Village Planning Board for approval. The application shall include preparation of the site plan application form as well as preparation of a plan showing:

- a) A survey of the property.
- b) Location of the building, accessory buildings, driveways, parking areas,
- c) Outdoor work location (if any), fencing, screening, storage of materials, etc.
- d) A description of the work to be performed, hours of operation, number of employees, method of sale of products.
- e) A resume of the artists or craftsperson showing educational background, experience in the art or craft and the locations of other studios or places of business. The intent of this section is to provide evidence that the applicant is engaged in the art practice as a principal and on-going business as opposed to a hobby. This is particularly relevant to live-work applications where art or crafts should be the applicant's primary source of income.

2). The Planning Board shall determine if the site or building is appropriate to accommodate the proposed arts use and that it will not interfere or impact the public health, safety and welfare of the neighborhood.

3). The review shall be based on the criteria in this ordinance and the Village Site Plan/ Development Regulations.

4). The Planning Board may approve, deny or approve with conditions any arts application.

5). The approval of the arts application shall be limited to the particular applicant and art or cultural activity being proposed. Any change in the type of art, intensity of the use or location of the arts space shall be subject to a new application to the Planning Board.

H. Public Notice

Public notice of the use of any property for art space in any zoning district shall be provided by the applicant to all property owners within 200 feet of the subject property

proposed for such use.

ARTICLE VII – CONDITIONAL USES

§96-7.0 REQUIREMENTS FOR CONDITIONAL USES

§96-7.1 CHURCHES / HOUSES OF WORSHIP

Houses of Worship shall meet the following bulk criteria:

1. Houses of Worship (only) and with living quarters within the worship building
 - a. Lot Size – 20,000 sq. ft.
 - b. Lot Frontage – 100 feet
 - c. Lot Depth - 150 feet
 - d. Front Yard – 20 feet
 - e. Side Yard – 10 feet
 - f. Rear Yard – 20 feet
 - g. Lot Coverage – 25%
 - h. Improved Lot Coverage – 75%
2. For Houses of Worship including living quarters outside the house of worship building the lot size shall increase to 25,000 square feet and the improved lot coverage shall increase to 80%.
3. For Houses of Worship with educational facilities:
 - a. Lot Size – 40,000 square feet
 - b. Lot Width – 150 feet
 - c. Lot Depth – 200 feet
 - d. Front Yard – 25 feet
 - e. Side Yard – 15 feet
 - f. Rear Yard – 25 feet
 - g. Lot Coverage – 30%
 - h. Improved Lot Coverage – 85%
4. For Houses of Worship with educational facilities and living quarters outside the house of worship the minimum lot size shall increase to 45,000 square feet.
5. Houses of Worship with educational facilities and social functions shall meet the following criteria:
 - a. Lot Size – 60,000 square feet
 - b. Lot Width – 200 feet
 - c. Lot Depth – 250 feet

- d. Front Yard – 30 feet
 - e. Side Yard – 20 feet
 - f. Rear Yard – 30 feet
 - g. Lot Coverage – 30%
 - h. Improved Lot Coverage – 90%
- B. Off-Street Parking
1. The minimum number of parking spaces shall be one space for every three persons for the maximum capacity as determined under the New Jersey Uniform Construction Code for houses of worship. Additional parking shall be required for educational, social and related administrative functions. Additional parking may also be required where more than one religious service is provided during periods of worship or when multiple functions take place at one time.
 2. Off-Street parking shall not be located in the front yard area or within any buffer area on the site.
- C. Buffer Requirements
1. A buffer area shall be provided along the side and rear property lines when the proposed house of worship site adjoins a residential property or zone. The buffer shall be 10% of the lot width for the side yard buffer and 10% of the lot depth for the rear yard buffer.
 2. The buffer shall be landscaped with suitable vegetation in order to establish a visual and noise screen between the house of worship site and the residential properties. The reviewing Board may also require a fence to be provided along the property lines in addition to the landscape buffer areas.
- D. Building Height
1. House of Worship building height shall be a maximum of 2 stories or 35 feet. Building steeples and bell towers, etc. are exempt from this requirement.
 2. All other buildings related to the house of worship shall have a maximum height of 2 stories and 35 feet.

§96-7.2 ESSENTIAL AND PUBLIC SERVICES

- A. Such uses shall be limited to the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead electrical, gas, television, cable systems, water transmission or distribution systems or collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes,

conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate services by such public utility or municipal or other governmental agencies or for the public health and safety or general welfare, but not including buildings. Open essential services shall not include any human or animal fecal matter or material.

B. Such facilities shall be landscaped and screened in residential areas and performance standards established in § 96-13 shall be adhered to.

§96-7.3 PUBLIC UTILITIES; ENCLOSED OR PERMANENT STRUCTURES

A. Public utility services. Such uses shall include electric substations, transformers, switches and auxiliary apparatus serving a distribution area and water pumping stations in residential districts, and shall be subject to the following regulations:

- (1) Such facilities shall not be located on a residential street, unless no other site is available, and shall be so located to draw a minimum of vehicular traffic to and through such streets.
- (2) The location, design and operation of such facility may not adversely affect the character of the surrounding residential area.
- (3) Such facilities shall be landscaped and screened in residential areas and performance standards established in § 96-13 shall be adhered to.

§96-7.4 AUTOMOBILE SERVICE STATIONS

- A. No service station shall have an entrance or exit for vehicles within 500 feet along the same side of a street of any school, park, playground, church or other house of worship, library or other public building or institution.
- B. There shall be a minimum of 1,500 feet between gas stations along the same side of any street or highway. The distance shall be measured along the shortest street or highway between the nearest portions of the property lines of the two lots in question.
- C. No gas station shall be permitted to have oil draining pits or visible appliances for any purpose, other than gas pumps and air pumps, within the outside areas of the site. All such appliances or pits, other than gas and air pumps, shall be within a building. Gasoline and air pumps shall be permitted within the required front yard space for gas stations, both shall be no closer than 30 feet to the front lot line. Gas pump canopies shall be setback a minimum of 15 feet from the front property line.
- D. No junkyards or premises used for storage of junked motor vehicles or vehicles incapable of normal operation shall be permitted at gas station or repair garages within the Village of Ridgely Park. It shall be deemed prima facie evidence of violation of this chapter if more than

three motor vehicles incapable of operation are located at any one time upon any premises not within a closed and roofed building and if any scrap metal or automobile parts or equipment is stored upon any premises. Nothing within a closed and roofed building, excepting, however, that a number not exceeding six motor vehicles may be located upon any gas station or repair garage premises outside of a closed or roofed building for a period of time not to exceed 48 hours and provided said vehicles are awaiting repair by the owners thereof.

- E. All property boundaries shall have a densely landscaped buffer at least 10 feet wide. Buffers adjacent to any residential district shall have a minimum width of 25 feet and shall be suitably fenced.
- F. Off-Street Parking - 1 parking space per gasoline pump, grease rack or similar service area, plus 1 per 500 square feet GFA.
- G. Signage – see section 96-12.

§96.7.5 AUTOMOBILE BODY AND REPAIR SHOPS

All motor vehicle body shops shall comply with the following requirements:

- A. Only one such principal use shall be permitted on a lot, which lot shall have a minimum lot area of at least 200% greater than the minimum required lot area of the zone district in which it is located.
- B. All property boundaries shall have a densely landscaped buffer at least 10 feet wide. Buffers adjacent to any residential district shall have a minimum width of 25 feet and shall be suitably fenced and landscaped.
- C. All garage doors or interior bay access shall face and be oriented toward the property's side lot line, except where such side yard faces and is adjacent to a residential use.
- D. Motor vehicles under repair shall be kept either within the principal building or outside within a fenced and screened compound. No vehicle shall remain on site for more than 30 days.
- E. Improved lot coverage, including paved areas, used parts and scrap storage shall not exceed 70% of the total lot area.
- F. Building coverage shall not occupy more than 30% of the total lot area.
- G. Off Street parking shall be provided on site as follows: one space for each employee and two spaces for customer estimates and 10 spaces for each vehicle repair space.

§96-7.6 TELECOMMUNICATIONS FACILITIES

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

ALTERNATIVE TOWER STRUCTURE - Man-made trees, clock towers, bell steeples, flagpoles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANCILLARY FACILITIES - The buildings, cabinets, vaults, closures and equipment required for operation of telecommunications systems, including but not limited to repeaters, equipment housing and ventilation and other mechanical equipment, and interconnect in the cabling runs and their support structures.

ANTENNA - Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals. Parabolic dish antennas used for satellite communications shall not be included within this definition.

BACKHAUL NETWORK - The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network.

BUFFER AREA - The area surrounding telecommunications towers and ancillary facilities which lies between the tower and adjacent lot lines and/or land uses.

CARRIER - A company that provides wireless services.

CO-LOCATION - When two or more receiving and/or transmitting facilities are placed together in the same location or on the same antenna support structure.

FAA - The Federal Aviation Administration.

FALL ZONE - The area on the ground within a prescribed radius from the base of a wireless telecommunications tower. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

FCC - The Federal Communications Commission.

FUNCTIONALLY EQUIVALENT SERVICES - Cellular radio, personal communications service (PCS), enhanced specialized mobile radio, specialized mobile radio and paging, commercial land mobile radio and additional emerging technologies.

GUYED TOWER - A tower which is supported or braced through the use of cables (guy wires) which are permanently anchored.

HEIGHT - When referring to a tower, the vertical distance measured from the lowest finished grade at the base of the tower to the highest point on the tower, even if said highest point is an antenna.

LATTICE TOWER - A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

MONOPOLE - The type of tower that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

MOUNT - The structure or surface upon which antennas are mounted, including the following three types of mounts:

- (1) Building-mounted. Mounted on the roof or the side of the building.
- (2) Ground-mounted. Antenna support (tower) mounted on the ground.
- (3) Structure-mounted. Mounted on or in a structure other than a building.

PERSONAL WIRELESS SERVICE FACILITY - A facility for the provision of personal wireless services, as defined by the Telecommunications Act of 1996.

PREEXISTING TOWERS and PREEXISTING ANTENNAS - Any tower or antenna which has been lawfully erected prior to the effective date of this section, including permitted towers or antennas that have been approved but have not yet been constructed so long as such approval is current and not expired.

RADIO FREQUENCY (RF) ENGINEER - An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

RADIO FREQUENCY RADIATION (RFR) - The emissions from personal wireless service facilities or any electromagnetic energy within the frequency range from 0.003 MHZ to 300,000 MHZ.

STEALTH DESIGN - A telecommunications facility that is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment (see "alternative tower structure").

TELECOMMUNICATIONS FACILITY - A facility designed and used for the purpose of transmitting, receiving and relaying voice and data signals from various wireless communications devices, including transmission towers, antennas and ancillary facilities. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio broadcasts are not telecommunications facilities.

TELECOMMUNICATIONS OR TRANSMISSION TOWER - The monopole or lattice framework designed to support transmitting and receiving antennas. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not transmission towers.

WIRELESS COMMUNICATIONS - Any personal wireless services as defined in the Federal Telecommunications Act of 1996, which includes FCC-licensed commercial wireless telecommunications

services including cellular, personal communications services (PCS), specialized mobile radio (ESMR), paging, and similar amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas, nor does it include noncellular telephone service.

B. Purpose and intent.

- (1) The purpose of this section is to establish guidelines for the siting of wireless telecommunications towers and antennas and ancillary facilities. The goals of this section are to:
 - (a) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
 - (b) Encourage the location of towers on municipally owned property where appropriate or in other nonresidential areas;
 - (c) Minimize the total number of towers throughout the community;
 - (d) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
 - (e) Encourage the use of existing buildings, telecommunications towers, light or utility poles and/or towers, or water towers as opposed to construction of new telecommunications towers;
 - (f) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 - (g) Ensure that all telecommunications facilities, including towers, antennas and ancillary facilities, are located and designed to minimize the visual impact on the immediate surroundings and throughout the community by encouraging users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
 - (h) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;
 - (i) Consider the public health and safety of telecommunications towers; and
 - (j) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these purposes, the Village of Ridgfield Park shall give due consideration to the Village Master Plan, Zoning Map,[1] existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

C. Applicability.

- (1) New towers and antennas. All new telecommunications towers or antennas in the Village of Ridgfield Park shall be subject to these regulations.
- (2) Preexisting towers or antennas. Preexisting telecommunications towers and preexisting antennas shall not be required to meet the requirements of this section, other than the requirements of Subsections J and K, absent any enlargement or structural modification or the addition of any antennas.

- (3) District height limitations. The requirements set forth in this section shall govern the location of telecommunications towers that exceed and antennas that are installed at a height in excess of the height limitations specified for each zoning district.
- (4) Public property. Antennas or towers located on property owned, leased or otherwise controlled by the governing authority shall be encouraged, provided a license or lease authorizing such antenna or tower has been approved by resolution by the governing authority. Said approved publicly owned sites utilized for the purpose of constructed towers and/or antennas shall be treated as engaging in a conditional use under this section. This section shall not govern any amateur radio station operators/receive-only antenna tower or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
- (6) Satellite dish antennas. This section shall not govern any parabolic dish antennas used for transmission or reception of radio signals associated with satellites.

D. General requirements.

- (1) Principal or accessory use. Notwithstanding any other land use regulation, a different existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. If a tower and its appurtenant structures constitute the sole use of the lot, the tower shall be deemed to be the principal use; otherwise the use shall be considered accessory.
- (2) Leased area. For purposes of determining whether the installation of a tower or antenna complies with zone regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control even though the antennas or towers may be located on lease parcels within such lot.
- (3) State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within 90 days of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (4) Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association and Telecommunications Industry Association, as amended from time to time. If, upon inspection, the Village of Ridgefield Park concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into

compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- (5) Nonessential services. Telecommunications towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities or provided utilities.
- (6) Inventory of existing structures. Each applicant for an antenna and/or tower shall provide to the Zoning Officer an inventory of all existing towers, antennas or sites approved for towers or antennas that are either within the jurisdiction of the Village of Ridgefield Park or within three miles of the border thereof, including specific information about the ownership, location, height and design of each tower. The Zoning Officer may share such information with other applicants applying for approvals under this section or other organizations seeking to locate antennas within the jurisdiction of the Village of Ridgefield Park; provided, however, that the Zoning Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (7) Co-location required. The Village of Ridgefield Park mandates that carriers co-locate antennas on towers and other structures whenever possible. See Subsection G for co-location requirements.
- (8) Conditional use. All telecommunications facilities in the Village of Ridgefield Park shall be conditional uses in accordance with N.J.S.A. 40:55D-67.
- (9) Site plan required. Site plan approval shall be required for all new telecommunications facilities in the Village of Ridgefield Park, including modifications to or addition of new telecommunications facilities to preexisting towers, buildings or other structures.
- (10) County planning board approval. All site plans for new telecommunications towers or antennas located along county roads shall be submitted to the Bergen County Planning Board for review.

E. Use regulations.

- (1) Conditional use. Wireless telecommunications facilities are permitted as conditional uses:
 - (a) First, on lands owned by the Village of Ridgefield Park in the I-2 Zone west of Industrial Avenue. Any proposed telecommunications facility shall first make a request to the Village Commissions to determine if Village owned land would be available for the installation of wireless facilities.
 - (b) Second, on private properties in the I,1 I-2, WR-1 and OS Zones. If it is determined that no public land is available for wireless facilities, then private land may be used in the zoning districts above.
- (2) Conditional use standards. Wireless telecommunications facilities may be permitted on the above-referenced lands, provided that:
 - (a) The minimum lot size on which the telecommunications facility is to be located is at least one acre in area.
 - (b) Lattice towers and any type of guyed tower are prohibited.

- (c) Telecommunications towers shall be limited to monopoles without guys designed to ultimately accommodate at least three carriers and shall meet the following height and usage criteria:
 - [1] For a single carrier, up to 90 feet in height; and
 - [2] For up to four carriers, up to 130 feet in height.
- (3) Factors considered in granting conditional use permits.
 - (a) In addition to the above standards, the approving board shall consider the following factors in determining whether to issue a conditional use permit:
 - [1] Proximity of the tower to residential structures and residential district boundaries;
 - [2] Nature of uses on adjacent and nearby properties;
 - [3] Surrounding topography;
 - [4] Surrounding tree coverage and foliage;
 - [5] Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, including stealth designs, which are encouraged;
 - [6] Availability of suitable existing towers, alternative tower structures, other structures or alternative technologies not requiring the use of towers or structures; and
 - [7] Availability of proposed tower to other potential carriers.

This list is considered to be illustrative in nature and may not include all factors to be considered.

F. Site design standards. The following site design standards shall apply to wireless telecommunications facilities.

- (1) New towers.
 - (a) Telecommunications towers may not be located closer than 200 feet to any residential zone or within 500 feet of any public or private school. Towers or antennas presently located on preexisting buildings or structures are exempt from this requirement.
 - (b) Fall zone. A fall zone shall be established such that the tower is set back 75% of the height of the tower from any adjoining lot line or non-appurtenant building.
 - (c) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height. Towers shall also be equipped with appropriate anticlimbing measures.
 - (d) Landscaping. The following requirements shall govern the landscaping of surrounding towers:
 - [1] Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences or planned residences or any other area frequented by the public. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the compound. However, at a minimum, the facility should be shielded from public view by evergreen trees at least eight feet high at planting and planted in staggered double rows 15 feet on center.

- [2] In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced, at the sole discretion of the approving authority.
 - [3] Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.
 - (e) Ancillary buildings. Any proposed building enclosing related electronic equipment shall not be more than 10 feet in height nor more than 200 square feet in area, and only one such building shall be permitted on the lot for each provider of wireless telecommunications services located on the site. Such buildings must satisfy the minimum zoning district setback requirements for accessory structures.
 - (f) Aesthetics. Towers and antennas shall meet the following requirements:
 - [1] Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - [2] At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
 - (g) Lighting. No lighting is permitted except as follows, which shall be subject to review and approval by the approving board as part of the site plan application:
 - [1] The building enclosing electronic equipment may have one light at the entrance to the building, provided that the light is attached to the building, is focused downward and is switched so that the light is turned on only when workers are at the building; and
 - [2] No lighting is permitted on a tower except lighting that specifically is required by the Federal Aviation Administration (FAA), and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project towards adjacent and nearby properties.
 - (h) Signs. No signs are permitted on any tower or antenna within the Village of Ridgefield Park except those required by the Federal Communications Commission, the Electronic Industries Association (EIA) and/or the Telecommunications Industry Association (TIA), or by law, such as warning and equipment information signs.
- (2) Antennas mounted on existing structures or rooftops.
- (a) Antennas on existing structures. Any antenna which is not attached to a tower may be attached to an existing business, industrial, office, utility or institutional structure in the 1-2 Zone west of Industrial Avenue.
 - [1] Side- and roof-mounted personal wireless service facilities shall not project more than 10 feet above the height of an existing building or structure, nor project more than 10 feet above the height limit of the zoning district within which the facility is located. Personal wireless service facilities may be located on a building or structure that is

legally nonconforming with respect to height, provided that the facilities do not project above the existing building or structure height.

[2] The antenna complies with all applicable FCC and FAA regulations.

[3] The antenna complies with all applicable building codes.

[4] The equipment structure shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height. In addition, for buildings and structures which are less than 48 feet in height, the related unmanned equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10% of the roof area. Equipment storage buildings structures or cabinets shall comply with all applicable building codes.

(b) Aesthetics. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(c) Antennas on existing towers. An antenna may be attached to a preexisting tower in a nonresidential zone and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:

[1] A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless reconstruction as a monopole is proposed.

[2] An existing tower may be modified or rebuilt to a taller height, not to exceed the maximum tower height established by this section.

[3] On-site location.

[a] A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved on site within 50 feet of its existing location.

[b] After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.

(d) Antennas on existing structures or towers. No antennas shall be located on any existing structures or towers if they are within 500 feet of a public school or a private school.

G. Co-location requirements.

(1) The Village of Ridgefield Park requires that licensed carriers share personal wireless service facilities and sites where feasible and appropriate, thereby reducing the number of personal wireless service facilities that are stand-alone facilities. All applicants for site plan approval for a personal wireless service facility shall demonstrate a good-faith effort to co-locate with other carriers. Such good-faith effort includes:

- (a) A survey of all existing structures that may be feasible sites for co-locating personal wireless service facilities;
 - (b) Notification by certified mail of intent to seek site plan approval to all the other licensed carriers for commercial mobile radio services operating in the county; and
 - (c) Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.
- (2) In the event that co-location is found to be not technically feasible, a written statement of the reasons for the unfeasibility shall be submitted to the Village. The Village may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant. The Village may deny approval to an applicant that has not demonstrated a good-faith effort to provide for co-location.
- (3) If the applicant does not intend to co-locate or to permit co-location, plans and elevations, which show the ultimate appearance and operation of the personal wireless service facility at full build-out, shall be submitted and must also include RF design data.

H. Location priorities. Wireless telecommunications facilities shall be located and approved in accordance with the following prioritized locations:

- (1) The first priority shall be for new towers or antennas on land or buildings owned by the Village of Ridgefield Park west of Industrial Avenue.
- (2) The second priority shall be for antennas on existing buildings in the I-2 Zone west of Industrial Avenue not owned by the Village of Ridgefield Park.
- (3) The third priority shall be for new towers and shall be on lands not owned by the Village of Ridgefield Park located within the I-2 Zone west of Industrial Avenue.

I. Site plan submission requirements. In addition to the site plan submission requirements of the development regulations, the following information shall be submitted in conjunction with site plan approvals for all wireless telecommunications facilities:

- (1) Comprehensive service plan. In order to provide proper evidence that any proposed location of wireless telecommunications antennas (and any supporting tower and/or ancillary building enclosed related electronic equipment) has been planned to result in the fewest number of towers within the Village of Ridgefield Park, at the time full service is provided by the applicant throughout the Village the applicant shall submit a comprehensive service plan. Said comprehensive service plan shall indicate how the applicant proposes to provide full service throughout the Village, and to the greatest extent possible, said service plan shall also indicate how the applicant's plan is coordinated with the needs of all other providers of telecommunications services within the Village of Ridgefield Park. The comprehensive service plan shall indicate the following:
 - (a) Whether the applicant's subscribers can receive adequate service from antennas located outside the borders of the Village of Ridgefield Park.

- (b) How the proposed location of the antennas relates to the location of any existing towers within and/or near the Village of Ridgefield Park.
 - (c) How the proposed location of the antennas relates to the anticipated need for additional antennas and supporting towers within and/or near the Village of Ridgefield Park by both the applicant and by other providers of telecommunications services within the Village of Ridgefield Park.
 - (d) How the proposed location of the antennas relates to the objectives of co-locating the antennas of different service carriers on the same tower.
 - (e) How the proposed location of the antennas relates to the overall objective of providing full telecommunications services within the Village of Ridgefield Park while, at the same, limiting the number of towers to the fewest possible.
- (2) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), and all properties within the applicable fall zone, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structure, topography, parking and other information deemed by the approving authority to be necessary to assess compliance with this section.
 - (3) Legal description of the entire tract and leased parcel (if applicable).
 - (4) The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties and public and private schools.
 - (5) The separation distance from other towers and antennas.
 - (6) A landscape plan showing specific landscape materials including, but not limited to, species type, size, spacing and existing vegetation to be removed or retained.
 - (7) Method of fencing and finished color and, if applicable, the method of camouflage.
 - (8) A description of compliance with all applicable federal, state or local laws.
 - (9) A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
 - (10) Identification of the entities providing the backhaul network for the tower(s) described in the application and other telecommunications sites owned or operated by the applicant in the Village.
 - (11) A letter of commitment to lease excess space to other potential users at prevailing market rates and conditions. The letter of commitment shall be in a form suitable for recording with the County Clerk prior to the issuance of any permit and shall commit the tower owner(s), property owner(s) and their successors in interest.
 - (12) A visual impact study containing, at a minimum, a photographic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from at least five points within a three-mile radius. Such points shall be chosen by the carrier, with review and approval by the approving board or designee, to ensure that various potential views are represented.
 - (13) An analysis of the RFR levels at the facility as a means of assessing compliance with the FCC RF safety criteria. This analysis shall:

- (a) Take into consideration all co-located radio transmitting antennas and/or nearby antennas that could contribute to RFR levels at the facility.
- (b) Be performed by an RF engineer, health physicist or similarly knowledgeable individual.
- (c) Follow current methods recommended by the FCC for performing such analyses.

J. Monitoring and maintenance.

(1) Measurements

- (a) After the wireless telecommunications facility is operational, the applicant shall submit, within 90 days of beginning operations and at annual intervals from the date of issuance of the building permit, existing measurements of RFR from the wireless communications facility. Such measurements shall be signed and certified by an RF engineer, stating the RFR measurements are accurate and meet FCC guidelines as specified in the radio frequency standards section of this section.
 - (b) A copy of the annual measurements referred to in Subsection J(1)(a) shall be provided to the Building Department of the Village of Ridgefield Park within 10 days after its completion by the applicant on a yearly basis.
- (2) The applicant and co-applicant shall maintain the personal wireless service facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security banner, and maintenance of the buffer areas and landscaping.

K. Abandonment or discontinuation of use.

- (1) At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier shall notify the Village Clerk by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the wireless telecommunications facility shall be considered abandoned upon discontinuation of operations.
- (2) Upon abandonment or discontinuation of use, at the option of the Borough, the carrier shall physically remove the personal wireless service facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
 - (a) Removal of monopoles, antennas, mount, equipment shelters and security barriers from the subject property.
 - (b) Proper disposal of the waste materials from the site in accordance with local, county and state solid waste disposal regulations.
 - (c) Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after condition.
- (3) If a carrier fails to remove a personal wireless service facility in accordance with this section, the Village shall have the authority to enter the subject property and physically remove the facility. The approving board will require the applicant to post a bond at the time of approval

to cover costs for the removal of the personal wireless service facility in the event the Village must remove the facility.

- (4) The Village Engineer shall be provided with a copy of the application by the applicant at the time of the filing of the application with the Zoning Officer to estimate the cost of the removal of the facility in the event it is abandoned, which estimate shall be promptly furnished by the Village Engineer to the Building Department to determine the amount of the bond referred to in Subsection K(3) above and to the board considering the application.

L. Violations and penalties.

- (1) Any person or entity who violates any provision of this section shall be punished by a fine not exceeding \$1,000 or by imprisonment in a place provided by the municipality for the detention of prisoners not exceeding 90 days or by a period of community service not exceeding 90 days. Any person who is convicted of violating this section within one year of the date of a previous conviction of the same section, and who was fined for a previous violation or was sentenced to a term in jail or to community service, shall be fined by the court to an additional fine or jail sentence or community service as a repeat offender. The additional penalty shall not be less than \$100 and shall not exceed the sum of \$1,000 or imprisonment for a term not to exceed 90 days, or the person may be required to perform community service for a term not to exceed 90 days.
- (2) In the event a person cannot pay the fine, the court may provide, in default of the payment of the fine, imprisonment in the county jail for a term not to exceed 90 days. The person may be required to perform 90 days of community service. All penalties for a violation of this section shall be in accordance with N.J.S.A. 40:49-5 and the Code of the Village of Ridgefield Park. In addition to the foregoing penalties, the municipality may enforce this Act for any violation of this section in accordance with N.J.S.A. 40:55D-18, which action shall be in the Superior Court of the State of New Jersey. Each day a provision of this section is violated shall constitute a separate and distinct violation.

§96-7.7 BILLBOARDS

- A. Billboards shall be permitted as conditional uses in any industrial zone within 500 feet of any regional or state highway, including the New Jersey Turnpike, Route 80 and Route 46.
- B. No billboard shall be located within 200 feet of any residential zone district or residential use.
- C. All billboards must comply with the following conditions.
 - (1) The maximum face of a billboard shall be 1,200 square feet.
 - (2) The minimum lot area of the parcel proposed for the placement of a billboard shall be one-half acre.
 - (3) The minimum setback for all billboards from any property line or right-of-way line shall be equal to the proposed height of the billboard.

- (4) No more than one billboard shall be permitted on any one tax lot. Double-faced billboards visible from opposite directions but built on a common frame shall be considered one billboard for purposes of this requirement.
- (5) The billboard, when constructed, will comply with all other provisions of this chapter that are not specifically provided herein.
- (6) No billboard shall have less than ten feet of clear space between the bottom of the sign and the ground.
- (7) No billboard shall be constructed within 1,000 feet of an existing billboard.
- (8) No billboard shall be located within 1,000 feet of any interchange or right-of-way for any tunnel, bridge, underpass or overpass.
- (9) No billboard shall be permitted which, because of its size, shape or location, will obscure or obstruct the view of vehicular or pedestrian traffic or be confused with any authorized traffic control sign, signal or device.
- (10) All billboards shall be in compliance with the Roadway Sign Control and Outdoor Advertising Act, N.J.S.A. 27:5-5 et seq., as may be amended from time to time.
- (11) Landscaping shall be required around the base of the billboard and may be required elsewhere on the lot to provide a positive aesthetic effect.
- (12) No rotating or rooftop billboards are permitted.

D. Application for approval of a billboard.

- (1) An applicant for a billboard permit shall make application to the Planning Board of the Village of Ridgefield Park if the proposal meets the conditions set forth above for the approval of a conditional use above and if the proposed billboard is located within an industrial zone. If an application does not meet the conditions for approval as set forth above or if the application is in a zone other than an industrial zone, then such application must be made to the Ridgefield Park Zoning Board of Adjustment for a use variance and is subject to submission of the proofs necessary for such variance.
- (2) All applications for billboards shall include the following information:
 - [a] Map. A key map of the site with reference to the surrounding areas and existing street positions, and specifically the location sought to be utilized for the billboard.
 - [b] Owner of record. The name(s) of the owner(s) of record shall be noted on the plan, together with the lot and block numbers for which application is sought, as indicated by the most recent tax records.
 - [c] Property lines, contingent lots. The bearings and distances of property lines for the lot in question shall be shown in order to comply with specific limitations herein.
 - [d] Setbacks. Construction setbacks shall be demonstrated on the plan.

- [e] Existing physical features. Physical features within the lot shall be designed on the plan, such as streams, trees, wetlands and other structures.
- [f] Topographic data. Topography showing existing and proposed contours at no less than five-foot intervals for slopes averaging 10% or greater and two-foot intervals for land of lesser slope. A reference bench mark shall be clearly designated.
- [g] Design details for improvement. Cross sections, design details and dimensions for improvements shall be shown on the plan.
- [h] Utilities. Location and design of the existing and/or proposed utilities shall be included in the plan.
- [i] Lighting details. Lighting details indicating the type of standard, location, radius and pattern of light, intensity and footcandles shall be shown.
- [j] Architectural sketches. Architectural prospective sketches of the proposed construction shall be included in the application.
- [k] Right-of-way; easements. The means by which access to the sign is to be located shall be demonstrated on the application plan.
- [l] Legend. In addition to the following, a legend shall be located on the plan and included in the application, to be signed by the owner of the property before submission of the plan, which shall state the following: "I hereby consent to the filing of the billboard plan with the Village of Ridgefield Park."
- [m] Visual representations. The applicant shall provide visual representations to the Board, demonstrating the visual impacts of the proposed billboard. These may be in the form of sealed diagrams or computer-generated simulations of the billboard, as proposed. These materials shall illustrate sight lines and views of the proposed billboard from adjoining properties.
- [n] Traffic safety; landscaping; environmental impact; drainage. Traffic safety, landscaping, environmental impact and drainage shall be included in the application.

ARTICLE XIII - PARKING

§96-8.0 OFF-STREET PARKING AND LOADING REQUIREMENTS

§96-8.1 OFF-STREET PARKING REQUIREMENTS

In all districts, in connection with every industrial, office, commercial, institutional, recreational, residential or any other use, there shall be provided at the time any building or structure is erected or is enlarged or increased in capacity off-street parking and loading spaces for automobiles and other vehicles in accordance with the requirements set forth herein. Such facilities shall be completed prior to the issuance of a certificate of occupancy. In cases where site plan approval is not required, the standards established herein shall prevail. See Schedule 2 identified herein.

§96-8.2 Schedule of Parking Requirements

<u>Type of Building or Use</u>	<u>Minimum Number of Parking Spaces</u>
<u>Residential</u>	
One- and two-family dwellings	Two (2) spaces per dwelling unit.
Townhouses and apartments	Per New Jersey Residential Site Improvements Standards (RSIS) (NJAC 5:21 et. seq.)
Senior citizen housing	Per New Jersey Residential Site Improvements Standards (RSIS) (NJAC 5:21 et. seq.)
Age-restricted housing	Per New Jersey Residential Site Improvements Standards (RSIS) (NJAC 5:21 et. seq.)
Assisted living facility	Per New Jersey Residential Site Improvements Standards (RSIS) (NJAC 5:21 et. seq.)
<u>Institutional Uses</u>	
Community residence/ community shelter	1 per employee, plus 1 per 5 residents
Elder-care center	1 per employee at maximum shift, plus 1.0 per 10 enrollees
Nonprofit club, lodge, civic and fraternal organization	1 per 150 square feet GFA
Place of worship	see §96-7.1B and 0.3 per seat of fixed capacity (benches or pews shall be considered as 1 seat per 24 linear inches), or 1 per 50 square feet GFA if no fixed seats
Public buildings and uses, excluding public utility buildings and power-generating stations	1 per 250 square feet GFA

Residential health care facility	1 per employee at maximum shift, plus 1 per 5 bedrooms
Public utility buildings and power-generating stations	1 per 2,000 square feet of floor area but no less than 1 space employee on the maximum work shift.
School, public and private, teaching academic subjects	0.3 per student
School bus storage and maintenance	1 per 1,500 square feet GFA
<u>General Commercial Uses</u>	
Computer and data processing center	1 per 200 square feet GFA
Convention, conference and corporate training center	1 per 4 seats based on design capacity of the building, or 1 per 200 square feet GFA, whichever is greater
Funeral home, mortuary	1 per 3 seats in the chapel
Automobile Service Stations	see §96-7.4F
Garden center	1 per 300 square feet GFA, plus 1 per 2,500 square feet outdoor display area
Health and fitness center	1 per 200 square feet GFA
Motels	1 space per sleeping room plus 1 space per employee
Hotels	1.5 parking space per room plus 0.5 parking spaces per number of seats permitted for meeting room space as noted in the BOCA Code or 2.0 parking space per room for a full-service hotel, whichever is less.
Indoor tennis, racquetball and similar court sports	3 per court
Medical offices	1 per 200 square feet GFA
Motor vehicles Repair Garages	see §96.7.5
Nursing home	0.5 per patient bed
Offices business, professional	

and administrative	1 per 250 square feet GFA
Studio for instruction of voice, art, dance, martial art and musical instrument	1 per 200 square feet GFA
Theaters	1 spaces per 2.5 seats
Museum, art gallery, library	1 per 300 square feet GFA
Veterinary hospital or clinic	1 per 400 square feet GFA
Banks and financial institutions	
With drive-through facilities	1 per 300 square feet Gross Floor Area (GFA)
Without drive-through facilities	1 per 200 square feet GFA
Bars and taverns	0.5 per seat
Bowling alley	5 per bowling lane
Business and vocational schools	1 per 200 square feet GFA
Child-care center	1 per 150 square feet GFA
 <u>Retail Uses</u>	
Dry cleaning	1 per 700 square feet GFA
Personal care services, including barber and beauty shops, nail salons, etc.	2 per treatment station, or 1 per 200 square feet GFA, whichever is greater
Other personal service establishments not specifically listed	1 per 200 square feet GFA
Laundromat / Dry Cleaners	1 per 300 square feet GFA
Plumbing, heating, electrical supply and air conditioning shops /showrooms	1 per 400 square feet GFA
Printing and duplication	1 per 300 square feet GFA
Professional studio for photography and fine arts	1 per 200 square feet GFA

Restaurants:

Sit-down restaurant, with bar	0.5 per seat
Sit-down restaurant, without bar	0.3 per seat
Fast-food restaurant, with drive-through	1 per 100 square feet GFA
Fast-food restaurant, without drive-through	1 per 80 square feet GFA

Retail stores and shops:

General retail (not in shopping center)	1 per 250 square feet GFA
Grocery store/supermarkets (freestanding)	1 per 200 square feet GFA
Big box/superstore (freestanding)	1 per 250 square feet GFA

Furniture, appliances, other
heavy/hard goods

1 per 400 square feet GFA

Delicatessens, take out restaurants

1 per 200 square feet GFA

Shopping centers (Planned Commercial Groups):

<400,000 square feet GLA	1 per 250 square feet GLA
400,000 to 599,999 square feet GLA	1 per 225 square feet GLA
600,000 > square feet GLA	1 per 200 square feet GLA

Industrial Uses

Research and Development

Facilities

1 per 500 square feet GFA

Light Industrial, Manufacturing,
fabrication, packaging and treatment
of products

1 per 500 square feet GFA

Moving and storage operations

1 per 1,500 square feet GFA

Self-storage facilities

One space per 100 storage units or one space per 10,000 sq. ft., whichever is less, but in no case less than six spaces 1 per 2,500 square feet GFA

Warehouse Distribution	1 per 1,000 square feet GFA but no less than 1 space per employee on the maximum work shift.
Wholesale Establishments	1 per 500 square feet GFA but no less than 1 space per employee on the maximum work shift.
Building materials and storage area contractor's yards	1 per 400 square feet GFA, plus 1 per 5,000 square feet outdoor
Fulfillment Centers	1 per 250 square feet of GFA, but no less than 1 space per employee on the maximum work shift plus 1 space per delivery vehicle (can be located in the building).
<u>Other</u>	Other uses not listed herein - As determined by the Ridgefield Park Planning Board or Board of Adjustment

If it can be clearly demonstrated that, because of the peculiar nature of any use, all the required parking is not necessary, the Planning Board may permit a reduction in the amount of parking area to be paved; provided, however, that the entire required parking area shall be shown on the site plan so that it will be available should future conditions require it.

§96-8.3 MULTIPLE USES

Any building containing more than one use shall meet the combined parking space requirements for all uses in the building. Any change in use within a building shall be required to meet the minimum parking requirements for the new use as well as all uses in the building.

§ 96-8.4 JOINT FACILITIES

Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Planning Board as provided in the Village of Ridgefield Park Site Plan Review Ordinance.

§ 96-8.5 MAINTENANCE OF OFF-STREET PARKING

Maintenance of off-street parking and loading areas. Every parcel of land hereafter used as a public or private off-street parking or loading area shall be maintained in good condition, free of hazards and deterioration. All pavement areas, sidewalks, curbs, drainage facilities, lighting, bumpers, guardrails, stripping and other markings, signs, landscaping and other improvements shall be maintained in workable, safe and good condition.

§ 96-8.6 LOCATION OF OFF-SITE PARKING FACILITIES

All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same zone lot as the use to which such spaces are accessory, except that such spaces may be provided elsewhere but shall be provided within a radius of no greater distance than 400 feet from that lot, and provided further that required spaces are provided off the site in accordance with the provisions set forth herein or in the Village of Ridgefield Park Site Plan Review Ordinance. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restrictions filed in the office of the County Clerk in Bergen County, binding the owner or owners and their heirs and/or assigns to maintain the required number of spaces available throughout the life of such use, and such spaces shall conform to all regulations of the district in which they are located.

§96-8.7 COMMERCIAL VEHICLE PARKING

Commercial vehicles, including buses used or designed for public conveyance of any nature, shall not be parked overnight or stored out of doors overnight in any residential zone in the Village.

- A. "Commercial vehicle" is defined as any motor-driven vehicle used or designed to be used for commercial purposes on the highways or roadways or in construction, whether or not said vehicles are registered as and bear commercial-type license plates.
- B. Not more than one commercial vehicle may be kept on any one-family or two-family lot. The one permitted shall not exceed a vehicle gross weight of 5,500 pounds and must be used by a resident of the premises. The vehicle shall also be subject to § 96-8.9 as to size, height, number of tires, etc. No vehicle shall be permitted to be parked within the first 20 feet behind the front property line.
- C. In multiple-family-dwelling zones, commercial vehicles may be parked overnight, provided that:
 - (1) The vehicle is used by a resident of the premises.
 - (2) Not more than one commercial vehicle may be parked by the resident of any unit.
 - (3) The vehicle is parked a minimum of 10 feet from the nearest building and 10 feet from all property lines.
 - (4) Commercial vehicle parking is prohibited in the required front yard of the I-1, I-2 and I-3 Zones.

§96-8.8 RESIDENTIAL DRIVEWAYS

- A. Width of the driveways: All driveways shall be a minimum width of nine feet.
- B. For one-family, two-family and four-family houses, only one curb cut shall be permitted on each lot.

§96-8.9 TRUCK PARKING OVERNIGHT

No truck, bus, tractor, trailer, semitrailer, boat, camper or other motor vehicle, as defined in N.J.S.A. 39:1, with a gross weight of more than 5,500 pounds and/or a length of more than 18 feet and a height of

more than seven feet or equipped with more than four tires and/or equipped with any fixed appurtenance shall park on any day of the week on any street within the Village of Ridgefield Park between the hours of 10:00 p.m. and 7:00 a.m.

§96-8.10 OFF STREET PARKING DESIGN REQUIREMENTS

- A. Off-street parking spaces shall be nine feet wide and 18 feet in length. In parking lots containing more than 10 spaces, a minimum of one space shall be at least 12 feet wide, and for parking lots with more than 20 spaces, 5% of all spaces, but not more than 10 spaces, shall be 12 feet wide. These wider spaces shall be located in one area and designated as parking for the handicapped. Each space shall be identified by painted lines.
- B. Off-street parking space aisles.

Angle of Parking Space	One-Way Aisle (feet)	Two-Way Aisle (feet)
90°	25	25
60°	18	20
45°	18	20
30°	15	18
Parallel	12	18

§96-8.11 OFF STREET LOADING

- A. At least one off-street loading space shall be maintained on the premises for every building or use requiring the receipt or distribution of materials or merchandise in vehicles. However, the number of off-street loading spaces shall not exceed the number related to the floor area of the building in accordance with the following schedule:

Floor Area (square feet)	Number of Spaces
10,000 or less	1
10,000 to 20,000	2
20,000 to 50,000	3
50,000 to 100,000	4
Each additional 50,000 or part thereof	1

- B. Trucks and other delivery and shipping vehicles shall not be parked in loading spaces except during the course of loading and unloading operations; provided, however, that overnight parking of such vehicles is permitted, but only when loading and unloading operations are not conducted during overnight hours.

- C. All off-street loading shall be designed and constructed in accordance with Article X. Any deviation from the off-street loading requirements included therein shall require variance relief.
- D. For multi-family development, 1 space shall be provided for buildings of two stories or less, 2 spaces for buildings up to five stories in height and 3 spaces thereafter.
- E. Off-street loading spaces shall have 15 feet of vertical clearance and be designed as follows:

Length (feet)	Width (feet)	Apron Length (feet)	
		(90°)	(60°)
60	10	72	66
60	12	63	57
60	14	60	54

§96-8.12 ELECTRIC VEHICLE SUPPLY/ SERVICE EQUIPMENT

A. Purpose - The purpose of this ordinance 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 storm water 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 non-residential 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

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

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 (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (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 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.

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. "EVSE" 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: means 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 (C.48:25-1 et al.).

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 & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved 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 and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 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. The Zoning Officer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of this Chapter 96, "Zoning."
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 C.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 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 (C.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 Section 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 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 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 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent 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 one-third of the original 15 percent 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 one-third of the original 15 percent of Make-Ready parking spaces.
 - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be 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.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 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 four percent of the total parking spaces as Make-Ready parking spaces, at least five percent 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 this Section, 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.

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, pursuant to Article X of Chapter 96.
- 2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least 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 percent 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 Section D. above may be encouraged, but shall not be required in development projects.

F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

- 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 guidelines 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 9 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.
 - 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 municipality'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 non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric 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 Chapter 1, Article II. Signage indicating the penalties for violations shall comply with Section 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
- a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
 - b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with the Village's ordinances and regulations.
 - c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable 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 should be 3 to 4-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, and shall contain a cord management system as described in 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 24-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 Ridgely Park shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, 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 reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding 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 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:
 - 1) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality 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: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be established by resolution of the Board of Commissioners based upon prevailing rates per kWh.
- b. This fee may be amended by a resolution adopted by the governing body.
- c. Private EVSE: Nothing in this ordinance 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.

ARTICLE IX - BUFFER REQUIREMENTS

§96-9.0 BUFFER AND LANDSCAPE REQUIREMENTS

§96-9.1 APPLICABILITY

All commercial, industrial, office, townhouse and apartment uses and other nonresidential uses adjoining or abutting a residential zone or institutional or public use shall provide a buffer zone on the side or sides facing said use or zone in accordance with this section.

§ 96-9.2 BUFFER ZONE REQUIREMENTS

Within any zone where a nonresidential development abuts a residential zone or where off-street parking and loading for six or more vehicles abuts a street, the following buffer area and landscaping requirements shall apply.

- A. A strip of land 20% of the average width or depth of the property, but not less than 10 feet, when a nonresidential use abuts a residential zone on the side or rear, shall be designated as a buffer area and so indicated on the site plan. Buffer areas will be contiguous with residential property lines and shall be of uniform width. In no case should the width of the buffer exceed 50 feet. If the buffer is less than 20 feet wide, the applicant may be required to erect and landscape a six-foot-high stockade fence within the buffer area parallel to the lot line of the abutting residential lot and set back a distance appropriate for the landscaping treatment in the buffer area. Buffer areas between parking and loading areas and streets shall be at least 10 feet wide.

- B. Buffer areas shall be maintained and kept clean of all debris, rubbish, weeds and tall grass. Any screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one year or one growing season.
- C. No structure, activity, storage of materials or parking of vehicles shall be permitted in the buffer area, except access drives from public streets, one unlighted directional sign per each direction of traffic per access drive and permitted signs as specified in the district regulations.

§ 96-9.3 REQUIREMENTS FOR PLANTING IN THE BUFFER AREA

- A. A solid and continuous landscaped screen shall be planted and maintained to conceal parking and loading areas, eliminate the glare of vehicle lights throughout the year and camouflage the building from the abutting residential areas. The landscape screen shall consist of evergreen trees, such as Hemlock, Douglas fir, Norway spruce, and other types of appropriate evergreen trees. Trees shall be planted in an area five feet to 20 feet from the residential line in a zigzag pattern and not more than six feet apart, except where otherwise authorized by the approving authority. Evergreen trees shall not be less than six feet high when planted, and the lowest branches shall be not more than one foot above the ground. In the event existing evergreens do not provide an adequate buffer, supplemental plantings may be required.
- B. In addition to the landscaped screen, shade trees, such as Sugar maples, Scarlet oaks, Pin oaks, Willow oaks, Norway maples, Sweet gum, Dogwoods and Magnolias, etc., shall be planted by the applicant at a distance of not more than 30 feet from each other.
- C. The height of the landscaped screen shall be measured in relation to the elevation of the edge of the parking and loading area. Where the landscaped screen is lower than the elevation of the parking or loading area, either the required height of the screen shall be increased equal to the difference in elevation or the parking or loading area shall be moved to allow the plantings to be located in an area with a similar elevation as the parking or loading area.
- D. If the buffer area includes existing growth of evergreen and deciduous trees and shrubbery but not enough to provide a suitable screen as required above, existing trees and shrubbery may remain and shall be supplemented by additional evergreen plantings to provide the required landscape screen. In the event the approving authority finds that further planting of evergreens will not grow satisfactorily in said buffer areas, stockade fence(s) six feet high shall be erected in the buffer area. No applicant shall be required to erect more than one six-foot-high stockade fence in any one buffer area.
- E. The approving authority shall have the power to waive some of the buffer requirements if it determines an adequate buffer can be provided in less than 10 feet while maintaining the purposes of this section. The approving authority shall review the proposed plat and the standards and purposes for buffers, considering the location of buildings, parking areas, outdoor

illumination and topographic features of the area and existing features such as trees, streams, the efficiency, adequacy and safety of the proposed layout of driveways, streets, sidewalks and paths, the adequacy and location of existing green areas and buffer areas, the adequacy and location of screening and parking areas, structures and uses, and similar features.

F. The area encompassed in the buffer zone may be utilized for the purpose of computing building and lot coverage and required yard setbacks.

§ 96-9.4 GENERAL LANDSCAPING

A. All fences erected in the Village must be erected so that the finished side facing the neighboring lot. No fence shall be erected higher than six feet in height when located behind the required front lot line of the principal structure. No fence shall be erected higher than four feet in height when located in the required front yard. Notwithstanding anything contained in this subsection, the fencing of private recreation courts shall comply with the provisions of § 96-5.16. Fences in residential R-1 and R-2 zones must also comply with §96-5.14.

B. Fencing on corner lots shall meet the requirements set forth herein.

C. No fence can be erected within the sight triangle of an intersection as provided herein.

D. Any enclosed use required by this chapter to be landscaped shall be provided with a fence or a visual screen designed to produce a dense cover consisting of evergreen or evergreen-type hedges or shrubs, spaced at intervals of not more than six feet, located and maintained in good condition within 10 feet of the property line or as shall be determined by the Planning Board. The Planning Board, in the alternative, may require a landscaped earthen berm not less than five feet in height.

E. Entrance and/or driveway gates shall not open towards the street and shall be setback 15 feet from the street line. The total footprint of the entranceway pillars and flanking walls shall not exceed 100 square feet, and the average height of the flanking walls shall not exceed five feet.

F. Unenclosed uses. Any use which is not conducted within a completely enclosed building, such as required off-street parking, shall be entirely enclosed by a solid or closely woven fence or by evergreen hedges or shrubs spaced at intervals of not more than six feet, located and maintained in good condition, within 10 feet of the property line or the zone district boundary line, or as shall be determined by the Planning Board.

G. Maintenance.

(1) Any fence or landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this chapter. Failure to maintain fencing or to replace dead or diseased landscaping or any refuse which may collect therein shall be considered a violation of this chapter. All landscaped areas in the buffer area shall be constructed with an irrigation system.

- (2) Whenever a buffer or landscaping requirement is imposed, and to the extent that same is in fulfillment of the requirements of this chapter or any other Village ordinance, a guaranty in the form of a surety bond, cash or security deposit shall be required.
- (3) Temporary fences (including but not limited to snow fences, construction fences, safety fences and filter fences) are not permitted in the Village of Ridgefield Park for periods in excess of 30 days except when such fences are being actually used in connection with immediate or current construction activity or safety protection on the site.

ARTICLE X – ACCESSORY USES

§96-10.0 ACCESSORY STRUCTURES AND USES IN NON-RESIDENTIAL ZONES

§96- 10.1 FENCES AND WALLS

- A. Fences and walls shall not be located in any required sight triangle nor, in any non-residential district, shall a fence be over 10 feet high in size in rear yards and four feet high in front yards and all yards fronting on a public street. This height restriction shall not include decorative fence posts with a maximum height of eight inches above the top of the fence. All fences shall be constructed so that the decorative side of the fence faces the street or adjoining property. Fences and wall construction shall require a building permit from the Building Department.
- B. Entrance and/or driveway gates shall not open towards the street and shall be setback 15 feet from the street line. The total footprint of the entranceway pillars and flanking walls shall not exceed 100 square feet, and the average height of the flanking walls shall not exceed five feet.
- C. Commercial recreation/sport courts may be surrounded by a fence with a maximum height of 15 feet and set back at least 10 feet from any property line.

§96-10.2 ACCESSORY STRUCTURE REQUIREMENTS IN NON-RESIDENTIAL DISTRICTS

- A. In any nonresidential district, no accessory structure or use shall be located closer to any lot line than five feet. The requirements shall not apply to retaining and decorative walls and fences, provided same do not exceed six feet in height.
- B. In any nonresidential district, the aggregate area covered by accessory structures shall not exceed 25% of the rear yard.
- C. In any nonresidential districts, all accessory structures shall be located no less than 20 feet from the side or rear of the principal or main building.
- D. In any nonresidential district, no accessory structure shall be located closer to the street right-of-way line than the required front yard setback of the principal structure.

- E. When an accessory structure is attached to the principal building, in all nonresidential districts it shall comply in all respects with the requirements of this chapter applicable to the principal buildings.
- F. No portion of any accessory structure in any nonresidential district shall be used for living quarters.

§96-10.3 OUTDOOR STORAGE

Such uses, where permitted as an accessory use, shall not abut existing residential development, a residential street, or any R District, and operation thereof shall be governed by the following provisions:

- A. Outdoor storage areas must be accessory to a principal building and shall be located to the rear of the principal building
- B. Outdoor storage areas shall be paved with a concrete or asphalt surface.
- C. Fencing and setbacks. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property and from the street and shall be subject to the provisions of § 96-10.1.
- D. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground.
- E. All impervious areas in connection with outdoor storage shall comply with the requirements for storm water management, Chapter 327 of the Village Ordinances. Outdoor storage areas shall be considered “major developments” as defined in Chapter 327.

ARTICLE XI – MISCELLANEOUS REQUIREMENTS

§96-11.1 PUBLIC UTILITIES

All public services shall be connected to approved public utilities systems where they exist. The distribution supply lines and service connections shall be installed underground, except that lots which abut streets with existing overhead electric or telephone lines may be supplied from those overhead lines, but the service connections shall be installed underground. Should a road widening or extension of service occur as a result of the development, any replacement, relocation or extension of existing overhead lines shall be underground.

§96-11.2 SIGHT TRIANGLES

Sight triangles shall be required at each quadrant of an intersection of streets and streets and driveways. The area within sight triangles shall be either dedicated as part of the street right-of-way or kept as part of the lot and identified as a sight triangle easement. No grading, planting or structure shall be erected or maintained more than two feet above the center-line grade of the intersecting street or driveway no lower than eight feet above their center lines, excluding street name signs and official traffic regulation

signs. Where any intersection involves earthen berms, banks or vegetation, including trees, the developer shall trim and grade to provide the sight triangle. The sight triangle is that area bounded by the intersecting curblines and a straight line which connects sight points located on each of the two intersecting curblines 25 feet away from the intersecting curblines. Any development requiring site plan approval shall provide sight triangles at each driveway. A sight triangle easement shall be expressed on the plat as follows: "Sight triangle easement subject to grading, planting and construction restrictions as provided for in the Ridgefield Park Development Regulations Ordinance." Portions of a lot set aside for the sight triangle may be calculated in determining the lot area and minimum setback required by the zoning provisions.

§96-11.3 SWIMMING POOLS

- A. Permanent in-ground and aboveground swimming pools accessory to a residential use shall be erected on the same zone lot as the principal structure, building or use.
- B. A permanent swimming pool shall be any device which is capable of maintaining a water depth of 24 inches or greater.
- C. Said pool may be erected in the side or rear yard of the zoning lot. The wall of the swimming pool shall be no closer than 10 feet to a side or rear property line. No portion of the walkway or deck surrounding the pool shall be located within six feet of the side or rear property line.
- D. No swimming pool shall be permitted within the front yard area.
- E. All such pools shall be completely and suitably screened with a locked fence no less than four feet in height and no greater than six feet in height.
- F. Said regulations shall not apply to portable swimming pools which are less than 24 inches in height.
- G. Pools which are accessory to apartments, townhouses and motel complexes shall be located within an area of no less than 3,000 square feet, of which no more than 40% shall represent a water surface area.
 - (1) No edge of any pool shall be closer to any building or property line than 25 feet.
 - (2) The area devoted to the use of the pool shall be enclosed with a fence no less than five feet or greater than eight feet in height.
 - (3) The pool may be internally or externally lit, but in no case shall any light be directed in a direct or indirect fashion upon any adjacent property. All lighting shall be in compliance with the applicable national electrical code.

- (4) If any portion of the pool or land devoted to the use of the pool or light stanchion is located closer to any residential building or property line than 50 feet, dense buffers of evergreen trees and shrubs shall be provided along the appropriate property line.

§ 96-11.4 FLOODPLAIN REGULATIONS

- A. The purposes of this section are to implement the land use regulations of the New Jersey Department of Environmental Protection for floodways and flood-fringe areas; to discourage construction and regrading in flood hazard areas; to prevent encroachments into flood hazard areas which would obstruct or constrict the area through which water must pass and to prevent pollution of watercourses during low- or high-water periods by preventing the placing or storing of unsanitary or dangerous substances in flood hazard areas.
- B. The flood hazard design elevation shall be shown on the plat based upon stream encroachment line data from the Division of Land Resource Protection or the flood elevation based on a one-hundred-year storm frequency as directed by the Flood Hazard Area Control Act (N.J.A.C. 7:13). At the expense of the landowner, the precise location of the floodway and flood-fringe area may be determined by field survey and shall be marked on the ground and on the plat. Where state or federal agencies delineate by contours the flood hazard design elevation, said report shall be the delineated flood hazard area as if published in this chapter.
- C. No improvement in a floodway shall be permitted unless it is a permitted use, plat approval has been granted and a floodway permit has been issued by the New Jersey Department of Environmental Protection, Division of Land Resource Protection.
- D. No improvement in a flood-fringe portion of the flood hazard area shall be permitted unless it is a permitted use and plat approval has been granted.
- E. Permitted uses in a flood-fringe area shall be as follows, provided that they are permitted uses in the district in which they are located:
 - (1) Industrial/commercial lawns; loading areas and parking areas.
 - (2) Golf courses, improved courts and playing fields, swimming areas, boat launching ramps, picnic and camping facilities, and open space uses such as hiking trails.
 - (3) Residential lawns, gardens, parking areas and play areas and residential buildings in conformity with 96-11.4G below.
 - (4) Public lawns, parking areas, play and recreation areas.
- F. The applicant shall submit maps, reports and other appropriate documents permitting the approving authority to evaluate whether the proposal has an inherent low-flood-damage potential, does not obstruct flood flows or increase flood heights and/or velocities, has no floor

level less than one foot above the flood hazard design elevation, does not adversely affect the water-carrying capacity of any floodway and/or channel, does not increase local runoff and erosion, does not require channel modification or relocation, does not require fill or the erection of structures, and does not include the storage of equipment and materials.

G. One and two-family residential structures may be raised above the flood hazard design elevation. In such cases, the building height shall be measured from one foot above the flood hazard design elevation to the peak of the roof provided the grade level is utilized for non-living space purposes. The intent is to allow an additional story to be added so that the grade level can be utilized for building access, garage space and storage.

ARTICLE XII - SIGNS

§96-12.0 PURPOSE

The purpose of this chapter is to regulate signs to promote and protect the public health, safety and welfare. More specifically, the purposes of this chapter are:

- (1) To enhance the aesthetic environment.
- (2) To encourage the effective utilization of signage as a means of identifying locations or residential and nonresidential establishments.
- (3) To encourage an attractive and viable business climate.
- (4) To maintain the character and quality of the Village.
- (5) To minimize adverse effects on neighboring properties.
- (6) To improve both pedestrian and vehicular safety by reducing distractions, obstructions and hazards caused by the indiscriminate use or placement of signage.
- (7) To promote a desirable visual environment through creative development techniques and good civic design arrangements.

§96-12.1 DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

NONCONFORMING SIGN

Any sign lawfully existing on the effective date of this chapter or an amendment thereto which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

SIGN

Any device for visual communications that is used for the purpose of bringing the subject thereof to the attention of the public.

SIGN, ADVERTISING

An advertising sign is a sign which directs attention to an individual, business, product or service conducted, sold, leased or offered elsewhere than on the premises where the sign is located. For the purposes of this chapter, a billboard shall be considered an advertising sign.

SIGN, AREA IDENTIFICATION

A sign used to identify a common area containing a group of structures or a single structure on a minimum site of one acre, such as residential subdivisions, apartment complexes, industrial parks, shopping centers, and industrial or office parks, located at the entrance or entrances of the area and including but not limited to a fence, wall, archway, post or column, with the letters or symbols affixed thereto.

SIGN, AREA OF

The area of a sign is the area included within the frame or edge of the sign. Where the side has no such frame or edge, the area shall be the minimum area which can be defined by an enclosed four-sided (straight sides) geometric shape which most clearly outlines the said sign.

SIGN, BANNER

A sign intended to be hung with or without a frame, possessing characters, letters, illustrations or ornamentation applied to paper, plastic fabric or other similar materials of any kind.

SIGN, BUSINESS

A sign used to identify either the trade, business, industry or profession being conducted on the premises. Logo identification which is intended to advertise a product, such as but not limited to "Coca Cola" or "We Sell Kodak Film," shall not be deemed to be a permitted business sign, except that personal logos not to be used to advertise a product shall be permitted.

SIGN, DIRECTIONAL OR INFORMATIONAL

A directional or informational sign is a non-advertising sign which directs attention to vehicular or pedestrian entrances or exits, parking areas, reserved parking spaces or similar site elements and is intended only for the safety and convenience of the employees, patrons or visitors. No directional or informational sign shall exceed four square feet.

SIGN, FLASHING

An illuminated sign in which artificial or reflected light is not maintained stationary and constant in intensity, color or hue at all times when in use.

SIGN, FREESTANDING

A sign having not more than two display sides which is attached to or part of a completely self-supporting structure. The supporting structure shall be set firmly on or below the ground surface and shall not be

attached to any building structure whether portable or stationary. A freestanding sign shall be measured from the ground surface beneath the sign to the highest point of the sign.

SIGN, GROUND

A sign having not more than two displays sides set firmly on or below the ground surface.

SIGN HEIGHT

A freestanding sign shall be measured from the ground surface beneath the sign to the highest point of the sign.

SIGN, MOVING

A sign that rotates or shifts or appears to rotate or shift in position.

SIGN, POLITICAL

A sign containing a statement about or endorsement of any public issue or candidate(s) for public office.

SIGN, PORTABLE OR "A" FRAME

An advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily movable and not permanently attached thereto, and which is usually two-sided

SIGN, PROJECTING

Any sign that is affixed at an angle or perpendicular to the wall or facade upon which it is mounted, which projects more than 12 inches from the wall or facade upon which it is mounted or projects above the top or beyond either side of the wall or facade upon which it is mounted.

SIGN, PYLON

A pylon sign having not more than two display sides which is attached to or part of a completely self-supportive structure. The supporting structure shall be set firmly on or below the ground surface and shall not be attached to any building whether portable or stationary.

SIGN, REAL ESTATE

A sign placed upon the property for the purpose of advertising to the public the sale or lease of the property placed thereon.

SIGN, ROOFTOP

Any sign erected, constructed or maintained on the roof or parapet of a structure.

SIGN, TEMPORARY

A nonpermanent nonilluminated wall or freestanding sign.

SIGN, WALL

A sign affixed to or painted on and parallel with the surface of a wall or facade. A sign affixed to or painted on any awning, marquee or canopy shall be considered a wall sign.

§96-12.2. GENERAL REGULATIONS FOR SIGNS

- A. All signs erected within the Village shall conform to this section and the Uniform Construction Code.
- B. No sign shall be erected or altered within the Village without first obtaining a permit from the Construction Code Official of the Village. A sign permit application shall include structural drawings of how the sign is to be erected and electrical drawings of how the sign is to comply with the appropriate electrical codes. Applications to re-face a sign must be approved by the Zoning Officer and Construction Code Official of the Village.
- C. Removal of certain signs.

In the event that a business ceases to operate for a period of time in excess of 90 days, the sign owner, lessee, or the property owner shall immediately remove any sign identifying or advertising the business or any product sold thereby; provided, however, the requirement shall not apply where, under the provisions of this chapter, an existing conforming sign may remain when evidence is presented to the Zoning Officer that a new business will be in operation on the premises within 90 days. Upon failure to comply with this section, the appropriate Village official shall take the legal steps outlined in the enforcement sections of this chapter. For the purposes of this chapter, "removal" shall mean the dismantling and relocation from the site in question of the sign face, posts, supports, sign box, and all other structural members and electrical elements, if any, of the sign.
- D. Sign illumination. Direct illumination or backlighting shall not exceed 25 watts of incandescent power or 75 footcandles when measured with a standard light meter perpendicular to the face of the sign from a distance equal to the narrowest dimension for any sign.
- E. Glare. All signs shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light from artificial illumination upon streets, driveways and surrounding property.
- F. Exempt signs. Exempt signs, as provided herein, shall be permitted within all zoning districts of the Village of Ridgefield Park.
 - (a) Any display or official notice of and by a governmental agency of the United States, the state, the county, the Village or any of their political subdivisions.
 - (b) Any official traffic control device.
 - (c) Any flag, emblem or insignia of a governmental agency of the United States, State of New Jersey, County of Bergen or Village of Ridgefield Park. Any sign attached to the street facade of a public or volunteer ambulance corps or firehouse building,

provided only one sign is permitted per building and provided each sign does not exceed 100 square feet in area and is located at least eight feet above grade.

- (d) Any sign located completely within an enclosed structure, provided that the sign is not visible or directed to be seen from the outside of the structure.
- (e) Any sign not exceeding two square feet in area indicating the private nature of a driveway, limited to one sign per driveway entrance, and any "no trespassing" signs not exceeding two square feet each.

G. Temporary signs.

(1) The following temporary signs are permitted within any district.

(a) Real estate "for sale" signs.

- [1] One sign per lot is permitted to advertise the sale or rental of the premises upon which it is located by the owner or by a real estate agent or broker. For a corner property, two signs per lot, one for each street, shall be permitted.
- [2] The sign shall not exceed an area of four square feet and shall be removed seven days after the execution of a contract or the expiration of the listing agreement. In the event the contract is voided or canceled within 60 days, the sign may be placed back on the property without an additional fee.
- [3] All "for sale" signs shall be set back at least 15 feet from the curblin e and shall not, under any circumstances, block the vision of the driver of an automobile at the intersection of a street and driveway or two or more streets.

(b) Real estate "open house" signs.

- [1] The owner or agent representing the owner of a single- or two-family residential home which is being offered for sale or rent may erect in addition to a "for sale" or "for rent" sign, an "open house" sign.
- [2] Only one "open house" sign will be permitted on the property and shall be placed no sooner than one day before the scheduled "open house" and removed one day after its conclusion.
- [3] "Open house" signs shall not be permitted on county roads, state highways or other major arterial roadways.

(c) Major subdivision signs.

- [1] Signs advertising a major subdivision that has received preliminary approval by the Planning Board shall not exceed two in number.
- [2] No sign is to exceed 12 square feet in area and shall be removed within 60 days after the completion of construction work within the subdivision or within 10 days after the issuance of the last certificate of occupancy, whichever occurs sooner.

(d) Building under construction.

- [1] One sign per lot is permitted to identify the work of a builder or all subcontractors on new construction.
- [2] Said sign shall not exceed six square feet in area and shall be removed within seven days after the completion of construction.
- (e) Announcement of future events.
 - [1] One sign per lot is permitted to announce any educational, charitable or civic event, and such sign may be displayed for a consecutive period not to exceed 60 days in one calendar year. All such signs shall be removed by the person constructing the sign within 14 days after the sixty-day period ends. No such sign shall exceed 12 square feet in total area.
- (f) Political signs.
 - [1] Political signs may be erected, provided that they advance noncommercial, social and political messages. Such signs shall conform with the requirements of the zoning district in which they are constructed.
- (g) Restrictions applicable to all temporary signs.
 - [1] The signs may be freestanding or attached to buildings.
 - [2] The signs shall not be illuminated and shall not violate any of the limitations or prohibitions set forth in Subsection D(1)(g) herein.
 - [3] Permits for the erection and maintenance of signs described herein shall be obtained from the Construction Code Official.
 - [4] Signs shall not be permitted on telephone poles, electric poles or trees.
- (h) Any temporary sign or banner to announce the opening or anniversary of a business or special sale event for a period not to exceed 30 days once in any year, as specifically shall be approved by the Construction Code Official. This procedure shall not permit signs advertising garage or similar sales.
- (i) Temporary signs fees and fines. There shall be a \$20 fee for a permit to erect a temporary sign. Temporary signs fees and fines. There shall be a \$20 fee for a permit to erect a temporary sign.
- (j) There shall be a fine of not more than \$100 imposed upon the property owner or the owner's agent or applicant for any violation of the regulations which apply to temporary signs. A fifty-dollar fine may be imposed for each and every day the violation continues to exist. Permits issued for temporary signs shall be issued for a period not to exceed six months or when the reason for the issuance of the permit no longer exists or as otherwise described herein, whichever is shorter.
- (k) For fire, rescue and other emergency services, all principal buildings in all districts shall be clearly identified as to house or street number by means of an unobstructed sign clearly visible and legible from the abutting street.

§96-12.3 PROHIBITED SIGN

The following signs are specifically prohibited within all zones in the Village of Ridgefield Park:

- A. Signs which resemble, simulate or may be mistaken for traffic, directional or other public signs.
- B. Signs which obstruct doors, windows, stairways, sidewalks, driveways or streets.
- C. Signs placed on trees, rocks, utility poles, bridges, bridge supports or abutments, retaining walls, cell towers and water towers.
- D. Searchlights or beacons.
- E. Banners, pennants, streamers, bunting, balloons, gas-filled figures or similar devices, except as specifically approved by the Board of Commissioners, as provided herein.
- F. Portable or "A" frame signs.
- G. Billboards, except as a permitted conditional use pursuant to § 96-7.8 under the conditions expressed therein.
- H. Signs which employ or are lighted by means of flashing lights or which have animated or moving parts, neon or gas-filled lights, or have reflector-type materials which may impair the vision of drivers.
- I. Signs affixed to parked motor vehicles, the primary purpose of which are to direct the attention of the public to any business or activity conducted on the premises upon which the vehicle is parked.
- J. Signs which by reasons of the size and location pose a threat to the safety and welfare of the public or which obstruct driving vision along any street, right-of-way or traffic sign or signal.
- K. Rooftop signs.

§96-12.4 ADDITIONAL SIGN REGULATIONS WITHIN ALL RESIDENTIAL ZONES.

- A. Within the R-1, R-2, R-3 and R-4 Zones, any single-family or two-family use shall be permitted to maintain one unlighted real estate sign, not to exceed two square feet in area on each side, advertising the sale, lease or rental of a building or lot upon which said sign is located.
- B. Within the R-1, R-2, R-3 and R-4 Zones, any single-family or two-family use shall be permitted to maintain a professional occupation sign which may have one lighted or unlighted sign not to exceed 1.5 square feet per occupation in the building or a total of three-square feet, whichever is less. Schools and other public buildings within the R-1, R-2, R-3 and R-4 Zones may have signs or announcement boards not exceeding 12 square feet in area.
- C. Additional sign regulations within the R-3 and R-4 Zones.
 - (1) Within the R-3 and R-4 Zones only, one sign displaying the name of an apartment building only shall be permitted. Said sign shall be no larger than 16 square feet for the first 50 housing units nor larger than 16 square feet plus 0.5 square feet for each additional 10 units over 50 units, except that in no case shall any permitted sign exceed 25 square feet.

§96-12.5 ADDITIONAL SIGN REGULATIONS FOR THE HISTORIC COMMERCIAL C-1(H) ZONE.

- A. All signs, canopies and awnings in the C-1(H) zone shall be referred to the Village Historic Commission for review and approval. All signs requiring variance relief shall be submitted to the Village Planning Board with the advice of the Historic Commission.
- B. Projecting (perpendicular) signs are permitted upon approval of the Planning Board with the advice of the Historic Commission. Projecting signs may be acceptable based on street sight lines, obstructions at the building façade such as trees or poles or where the storefront panel, lintel and upper façade do not permit a flat wall sign. Any projecting sign shall not extend beyond six (6) feet from the building façade and is limited in size to 16 square feet. Projecting signs not be less than 8 feet above the sidewalk shall be a minimum of 8 feet to the underside of such signs.
- C. Each building shall be permitted one exterior sign. Both wall and projecting signs on any building are not permitted. Both projecting signs and awnings/canopies are not permitted.
- D. Wall sign areas shall be limited to 10% of the total area of the facade of the building measured as the shortest perpendicular measurement from the top of the second floor to the bottom of the first floor but in no case shall exceed 30 square feet.
- E. Where a building contains multiple uses, the wall sign area for all uses shall not exceed 10% of the total area of the facade of the building or 50 square feet, whichever is less.
- F. All signs shall be attached to the building facade.
- G. No freestanding, pedestal or roof signs shall be permitted.
- H. Temporary window signs shall not exceed 20% of the total area of all windows on the facade of the building.
- I. Awnings and canopies are permitted and may have the name of the business and street address on the awning or canopy. Such devices may not extend out from the building further than four (4) feet.

§96-12.6 ADDITIONAL SIGN REGULATIONS FOR THE (C-2) COMMERCIAL ZONE

- A. For retail uses permitted in the C-2 District, the same regulations shall apply as designated in the C-1H District.
- B. Office and professional buildings may have one lighted or unlighted sign on the building, which shall not exceed 40 square feet in area.
- C. Ground signs are permitted as prescribed in §96-12.7(4).
- D. All other uses may have one unlighted sign not to exceed 20 square feet in area for each use.

§96-12.7 ADDITIONAL SIGN REGULATIONS FOR INDUSTRIAL ZONES (I-1, I-2 AND I-3 ZONES).

- A. Warehouse and industrial buildings shall comply with the following sign requirements:
 - (1) Two wall signs shall be permitted on separate walls of the proposed building.
 - (2) Each wall sign shall not exceed 1.0 square feet of sign area per lineal foot of building frontage but no larger than 200 square feet.

- (3) Wall signs shall not extend beyond the roof line of the façade.
 - (4) One ground sign shall also be permitted with the following:
 - i. Ground signs shall not exceed an area of 50 square feet in size on each side of the proposed sign.
 - ii. Ground signs shall not be higher than 6 feet from the ground elevation.
 - iii. Ground signs shall be setback from the front property line a minimum of 5 feet from any proposed roadway right-of-way/ easement.
 - (5) Prohibited signs include those listed in section 96-13.1H of the Village of Ridgefield Park zoning ordinance.
- B. Office and administrative uses shall comply with the sign provisions in §96-12.8.

§96-12.8 ADDITIONAL SIGN REGULATIONS FOR OFFICE PARKS (OP-1 ZONE)

- A. Office buildings, hotels, convention centers and theatres shall be permitted one exterior sign.
- (1) Signs are permitted, subject to Section 96-13 of the Zoning Ordinance with the following limitations:
 - a) All proposed building signs shall be reviewed and approved by the Village Planning Board. Variances from this section shall be submitted to the Village Planning Board
 - b) Each building shall be permitted one (1) exterior sign fronting on each public street/public right of way
 - b) The total sign area for each façade shall not exceed 10% of the first-floor façade area for each façade facing a street/public right of way.
 - c) The exterior signs may be attached to the building not higher than the building bulkhead parapet or the building bulkhead roofline of the building. However, the Board may allow wall signs above the roofline providing the building façade can be extended such that the sign appears to be on the wall extension and not as a roof sign. Such signs must blend into the architectural motif of the building.
 - d) One ground sign, which sign may be two-sided, shall not exceed five feet in height, nor shall its width exceed 12 linear feet. The maximum area of any such sign shall not exceed 60 square feet.
 - e) Ground signs shall be located in the front yard area but in no case less than 15 feet from the curb line of any abutting street nor less than 10 feet to the street right-of-way, whichever is greater. No internal illumination shall be permitted.
 - (2) Direct illumination or backlighting shall not exceed 25 watts of incandescent power or 75 footcandles when measured with a standard light meter perpendicular to the face of the sign from a distance equal to the narrowest dimension for any sign. Any illuminated shall not be illuminated between the hours of 10:00 P.M. and 6:00 A.M. Such signs shall not have white illuminated backgrounds and shall be screened from residential uses if deemed necessary by the Planning Board.

- (3) All signs shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light from artificial illumination upon streets, driveways and surrounding property.
- (4) An integrated sign plan shall be submitted to the Planning Board for sign approval for each building. Such sign plan shall include the dimensions, locations, heights, and details of all signs, including lettering style, lighting, color, and materials, and dimensions of all building facades.
- (5) Each of the above sign elements shall be consistent with the architecture and materials of buildings and site. Where there is existing signage on the property, the sign plan shall include details for both existing and proposed signs. Signs shall be installed in accordance with the approved sign plan and building code requirements.

§96-12.9 ALL OTHER USES SHALL BE LIMITED TO ONE SIGN

- A. Sign shall be attached to the facade of the building only.
- B. Sign area may not exceed 100 square feet or 10% of the area of the facade of the building, measured as the shortest perpendicular measurement from the top of the second floor to the bottom of the first floor, whichever is less.

§96-12.10 SIGNS FOR AUTOMOBILE SERVICE STATIONS

- A. Gasoline stations may have one ground, pylon or freestanding sign not to exceed a maximum area of 50 square feet.
- B. Said signage shall be limited to identifying the business name and logo and gasoline prices and may be a composite structurally of one or more signs, which alone or in combination shall not exceed the maximum square footage as provided herein.
- C. Additionally, the business name or logo, not to exceed four square feet in area, may be identified on two sides of a canopy.
- D. Except as provided in this chapter, no other signage shall be permitted.

ARTICLE XIII – PERFORMANCE STANDARDS

§96-13.1 INTENT

All industrial, commercial, business, office, office park, townhouse, apartment and multiple-family residential uses are subject to the following performance standards and procedures. Other uses, existing or

proposed, which the Construction Code Official has reasonable grounds to believe violate these performance standards, shall be subject to the provisions of this section.

§ 96-13.2 COMPLIANCE WITH PERFORMANCE STANDARDS.

- A. Prior to construction and operation. Any application for a building permit for a use which shall be subject to performance standards shall be accompanied by a sworn statement by the owner of the subject property that said use will be operated in accordance with the performance standards set forth herein.
- B. Continued compliance. Continued compliance with performance standards is required, and enforcement of continued compliance with these performance standards shall be enforced by the Construction Code Official, the Zoning Officer or the Village Engineer, as the case may be.

§ 96-13.3 NUISANCE ELEMENTS.

- A. Definition of "nuisance elements." A "nuisance element" is any noise, radioactivity, vibration, glare, smoke, odor, air and water pollution or dust which exceeds the performance standards established under this section.
- B. The determination of the existence of nuisance elements shall be made at or outside property lines of the use creating such element for noise, vibration, glare, dust, smoke, air pollution or water pollution and at the zone district line for odors.

§ 96-13.4 PERFORMANCE STANDARDS.

- A. Vibration. No vibration shall be permitted which is detectable without instruments at points of measurement specified in § 96-11.3B.
- B. Glare. No direct or sky-reflected glare shall be visible, whether from floodlights or from high-temperature processes, so as to be visible at the points of measurement specified in § 96-13.3B.
- C. Smoke.
 - (1) The emission standards of this chapter or as promulgated by the New Jersey Department of Environmental Protection, whichever is more restrictive, shall pertain.
 - (2) No emission shall be permitted, from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringelmann Chart, published by McGraw-Hill Publishing Company, Inc., copyright 1954, being a direct facsimile reduction of a standard Ringelmann Chart as issued by the United States Bureau of Mines.
 - (3) The provisions of this subsection shall not apply to:
 - (a) Smoke emitted during the cleaning of a fire box or the building of a new fire, the shade or appearance of which is not darker than No. 3 of the Power's Micro-Ringlemann Chart for a period or periods aggregating no more than three minutes in any 15 consecutive minutes.
 - (b) Smoke resulting from any fire ignited solely for the purpose of training or research in fire prevention or protection.

- (c) Smoke from locomotives, the shade or appearance of which is equal to but not darker than No. 3 of the Power's Micro-Ringelmann Chart for a period or periods aggregating no more than 30 seconds in any three consecutive minutes, or smoke of said density for a period aggregating no more than four minutes in any 15 consecutive minutes when building a new fire.
- (d) Household fireplaces.
- D. Odors. No emission of odorous gases or other odorous matter in such quantity as to be readily detectable shall be permitted.
- E. Dust. Solid particles shall not be emitted in concentrations exceeding standards established by the New Jersey Department of Environmental Protection.
- F. Fly ash. No emission of any fly ash shall be permitted to be discharged from any stack or chimney into the open air in excess of the quantity set forth in regulations promulgated by the New Jersey Department of Environmental Protection.
- G. Noise. At the points of measurement specified in § 96-13.3B, the maximum sound pressure level radiated in each standard octave band by any use or facility, other than transportation facilities or temporary construction work, shall not exceed the values for octave bands lying within the several frequency limits given in the following table, after applying the corrections shown therein. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association. American Standard Sound Level Meters for Measurements of Noise and Other Sounds, Z24.3-1944, American Standard Specifications for an Octave-Band Filter Set for the Analysis of Noise and Sounds, Z24.10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, New York, shall be used.

Maximum Permitted Noise Levels

Frequency Ranges Containing Standard Octave Bands (cycles per second)	Octave Band Sound Pressure Level (decibels re 0.0002 dyne/cm)
20 to 300	60
300 to 2,400	40
Above 2,400	30

Corrections to be Applied to Octave Band Sound Pressure Level in Decibels

<u>Type or Location of Noise or Character of Noise</u>	<u>Correction in Decibels*</u>
Daytime operation only	+5
Noise source operating less than:	
20% of any 1-hour period	+5
5% of any 1-hour period	+10
Noise of impulsive character (hammering, etc.)	-5
Noise of periodic character	-5

* NOTE: Apply one of these corrections only.

H. Radioactivity or electrical disturbance.

(1) No activities shall be permitted which emit dangerous radioactivity or electrical disturbances adversely affecting the operation of any equipment. All applicable federal and state regulations shall be complied with.

(2) Electrical equipment shall be shielded so there is no interference with any radio or television reception beyond the operator's property.

I. Fire and explosion hazards. All activities involving and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices standard in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of state and local laws and regulations shall also apply.

J. Storage and waste disposal. No materials shall be deposited so that they can be transferred on the lot, directly or indirectly, by natural forces such as precipitation, surface water, evaporation or wind. All materials which might create a pollutant or be a safety and health hazard shall be stored indoors and/or be enclosed in appropriate containers to eliminate such pollutant or hazard. No flammable or explosive substance shall be stored on a property except under conditions approved by the Bureau of Fire Prevention.

K. Air, water and environmental pollution. No use shall emit heat, odor, dust, gases, vibrations, noise or any other pollutant into the ground, water or air that exceeds the most stringent applicable state and federal regulation. No permit shall be issued for any use where a state permit is required until the state has ascertained and approved the level and quality of emission, type and quality of emission control and level of monitoring to be conducted.

§ 96-13.5 SITE PLAN AND SUBDIVISION DESIGN REQUIREMENTS

In the judgment of the Planning Board, in accordance with the spirit and intent of this chapter, the following design criteria shall be adhered to in each and every case, except where otherwise provided.

The provisions of this section may not be applicable to applications under the residential provisions of the State Residential Site Improvement Standards.

A. Traffic access. All proposed site traffic accessways shall be adequate but not excessive in number; adequate in grade, width, alignment and visibility; and not located too near street corners, entrances to schools or places of public assembly, and other similar considerations.

B. Circulation and parking. Interior circulation shall be adequate, and all required parking spaces shall be provided and easily accessible. All off-street parking and loading areas shall be surfaced with a durable and dust-free surface and shall be properly marked so as to provide for the orderly and safe loading, parking and storage of self-propelled vehicles.

C. Lighting. All exterior lighting devices shall be arranged so as to reflect the light away from adjoining premises. No rotating or flashing signs or lights shall be permitted.

- D. Drainage, water supply and sewage disposal facilities. All development shall be provided with adequate water supply, sewage disposal and drainage facilities in accordance with the Village requirements.
- E. Disposal of usable open space. Usable open space shall be so arranged as to ensure the health and safety and to promote the general welfare.
- F. Arrangement of buildings. Adequate provision shall be made for light, air, access and privacy in the arrangement of buildings.
- G. Landscaping. Landscaping, where required, shall be provided in order to enhance and protect the natural and scenic qualities of the land. Where adjacent land use dictates, screening and buffer areas shall be required.
- H. Wetlands. Wetland areas and wetland transitional areas, also known as "wetland buffers," shall be preserved and protected in accordance with law. Wetlands and wetland buffers may be considered valuable open space.

ARTICLE XIV – NON-CONFORMING USES

§96-14.1 INTENT

A use, building or structure which is lawfully in existence at the effective date of this chapter and shall be made nonconforming at the passage of this chapter or any applicable amendment thereto may be continued, except as otherwise provided in this section.

§ 96-14.2 REGULATION OF NONCONFORMING USES.

No existing use, building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, except when changed to a conforming use or when required to do so by law and as follows:

- A. Restoration. Any nonconforming structure damaged to less than 80% of its previous existing area may be restored, reconstructed or used as before, provided that the area of such use, building or structure shall not exceed the area which existed prior to such damage. The Board of Adjustment shall determine the time period in which complete restoration shall take place.
- B. Repairs. Normal maintenance and repair of a structure containing a nonconforming use is permitted, provided that it does not extend the area or volume of space occupied by the nonconforming use, does not increase the number of dwelling units, and does not increase the floor area ratio, where so regulated.
- C. Nothing in this chapter shall prevent the strengthening or restoring to a safe or lawful condition any part of any building or structure declared unsafe or unlawful by the Construction Code Official or other authorized state or Village official.
- D. Change of title or ownership does not discontinue a nonconforming use.

§ 96-14.3 TERMINATION OF NONCONFORMING USES.

- A. Abandonment. A nonconforming use not used for one year and/or the change of use to a more restricted or conforming use for any period of time shall be considered an abandonment thereof, and such nonconforming use shall not thereafter be terminated.
- B. Partial destruction. When 80% or more of the existing area of a nonconforming structure is destroyed by fire or other casualty or by an act of God, the use of such structure as a nonconforming use shall thereafter be terminated.
- C. Nonconforming buildings lawfully under construction. Any nonconforming building or structure lawfully under construction at the effective date of this chapter, pursuant to plans filed with the Construction Code Official and approved by said official and all other municipal boards and agencies as required under law, may be completed and may be used for the nonconforming use for which it was designed to the same extent as if such building had been completed and been in use on the effective date of this chapter, provided that such building or structure shall be completed within 18 months after the effective date thereof.

ARTICLE XV – BOARD OF ADJUSTMENT

§96-15.1 COMPATABILITY OF REGULATIONS

All ordinances applicable to the Board of Adjustment which are not inconsistent with this chapter are expressly not repealed or amended by this chapter. Requirements within this Chapter shall be applicable for all applications before that Board of Adjustment.

ARTICLE XVI - ENFORCEMENT

§96-16.1 CONSTRUCTION CODE OFFICIAL AND ZONING OFFICER POWERS

The Construction Code Official and Zoning Officer is hereby given the duty, power and authority to enforce the provisions of this chapter. If there is also to be an Assistant Zoning Officer, he or she shall also have the duty, power and authority to enforce the provisions of this chapter. The Zoning Officer shall examine all applications for permits and issue permits for the construction, alteration, enlargement and occupancy of all uses which are in accordance with the requirements of this chapter. The Construction Code Official shall also record and file all applications for permits, with accompanying plans and documents, and make reports to the Board of Commissioners, the Zoning Officer and the Tax Assessor.

§ 96-16.2 ZONING PERMITS.

- A. Purpose. The zoning permit looks to the location and use of the building in light of the requirements of this chapter and certifies that such location and use is permitted, or that it exists as a nonconforming use and/or nonconforming structure, or is permitted by the terms of a variance granted by the Planning Board or the Board of Adjustment. To ensure compliance with the provisions of this chapter, no person shall erect, alter or convert any structure or building or

part thereof or alter the use of any land subsequent to the adoption of this chapter until a zoning a permit has been issued by the Zoning Officer.

- B. Application for permit. All such applications shall be made in writing by the owner or his authorized agent and shall include a statement to the use or intended use and shall be accompanied by a plan of the plot showing thereon the exact size, shape and location of all proposed structures and such other information that may be necessary to provide for the enforcement of this chapter. The zoning permit shall be granted or denied within 30 business days from the date that a written application is filed with the Zoning Officer.
- C. Issuance of zoning permit. Zoning permits shall be secured from the Zoning Officer prior to construction, erection or alteration of any structure or part of a structure or use of a structure or land. It shall be the duty of the Zoning Officer to issue a zoning permit, provided that the proposed use conforms with all requirements of this chapter. It is the applicant's responsibility that all other reviews and actions, if any, called for in this chapter or any other Village ordinance have been complied with and all necessary approvals secured therefor.
- D. Denial of permit. When the Construction Official or Zoning Officer is not satisfied that the applicant's proposed development will meet the requirements of this chapter, the appropriate official shall refuse to issue a zoning permit or building permit, and the applicant may appeal to the Board of Adjustment for a reversal of the decision of the Construction Official or Zoning Officer. The Board of Adjustment shall hold a public hearing, if possible, on such appeal at its next regularly scheduled public meeting.
- E. Record of zoning permits. It shall be the duty of the Zoning Officer to keep a record of all applications for zoning permits issued, together with a notation of all special conditions involved. The Zoning Officer shall prepare a monthly report for the Village Board of Commissioners, Planning Board, Zoning Board of Adjustment and Tax Assessor, summarizing for the period since the previous report all zoning permits issued by his office and all complaints of violations and the action taken by him consequent thereon.
- F. Fees for zoning permits. There shall be a \$50 fee for an application and the issuance of a zoning permit.

ARTICLE XVII – VIOLATIONS AND PENALTIES

§96-17.1 PROCEDURE FOR VIOLATIONS

Any person may file a complaint if there is any reason to believe a violation of this chapter exists. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate.

§ 96-17.2 ABATEMENT OF VIOLATIONS.

- A. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used, in violation of this chapter or of any ordinance or regulation made under authority conferred hereby, the Zoning Officer or other proper official, in addition to other remedies, may institute any appropriate legal 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 about such premises.
- B. A violation of any of the terms of this chapter shall be abated within five days, or within as reasonable time as may be determined, after written notice has been served, either by mail or personal service.

§ 96-17.3 PENALTIES.

Any person, firm or corporation violating any provision of this chapter shall, upon conviction, be subject to penalty as stated in the Code of the Village of Ridgefield Park.[1]

- A. Any person or entity who violates any provision of this chapter shall be punished by a fine not exceeding \$1,250 or by imprisonment in a place provided by the municipality for the detention of prisoners not exceeding 90 days or by a period of community service not exceeding 90 days. Any person who is convicted of violating this chapter within one year of the date of a previous conviction of the same chapter shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not exceed \$1,250 and shall be calculated separately from the fine imposed for violating the chapter. Each day a provision of this chapter is violated shall constitute a separate and distinct offense.
- B. In the event a person cannot pay the fine, the court may provide, in default of the payment of the fine, either imprisonment in the place provided by the municipality for the detention of prisoners for a period not exceeding 90 days, or at the performance of community service for a period not exceeding 90 days. All penalties for a violation of this chapter shall be in accordance with N.J.S.A. 40:49-5, and the Code of the Village of Ridgefield Park.
- C. In addition to the foregoing penalties, the municipality may enforce the provisions of this chapter in accordance with the provisions set forth in N.J.S.A. 40:55D-18.

ARTICLE XVIII – ZONING ORDINANCE INTREPRETATION

§96-18.1 INTERPRETATION REQUIREMENTS

The interpretation and the application of the provisions of this chapter shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that, where this chapter imposes greater restrictions, the provisions of this chapter shall apply.

ARTICLE XIX – ZONING ORDINANCE AMENDMENTS

§96-19.1 AMENDMENT REQUIREMENTS

All amendments to this chapter and the Zoning Map, which forms a part hereof, shall be adopted in accordance with the provisions of New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).

ARTICLE XX – EFFECTIVE DATE

§96-20.1 EFFECTIVE DATE

This chapter shall take effect upon final passage and filing with the Bergen County Planning Board. All ordinances or parts of ordinances contrary to or inconsistent with this chapter are hereby superseded. Any and all ordinances or parts thereof in conflict or inconsistent with any of the terms and provisions of this chapter are hereby repealed to such extent as they are so in conflict or inconsistent.

ZONING
VILLAGE OF RIDGEFIELD PARK
SCHEDULE 1

Permitted, Accessory and Conditional Uses

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
<p style="text-align: center;">R-1 Single Family Residential</p>	<p>Single-family detached dwellings Public and nonprofit day schools of elementary or high school grades accredited by the State Department of Education Public parks, playgrounds and recreation areas, including swimming pools as part of a park or recreation area, libraries, firehouses, not-for profit volunteer ambulance or volunteer first aid facilities Federal, state, county and municipal buildings Community residences for developmentally disabled persons in accordance with N.J.S.A. 40:55D-66.1 and N.J.S.A. 40:55D-66.2 Community buildings, social clubs, lodges, fraternal organizations</p>	<p>Private garages Swimming pools, subject to § 96-11.3 Signs, subject to § 96-12 Off-street parking Accessory uses customarily incidental to a permitted principal use Fences and walls, subject to § 96-5.14 Home occupations, subject to § 96-5.15 Family day-care homes in residential districts in accordance with N.J.S.A. 40:55D-66.5(a) and (b) Recreation courts as per §96-5.16</p>	<p>Churches, other places of worship including parish houses, Sunday school buildings, other similar uses, subject to § 96-7.1. Essential and Public Services, subject to § 96-7.2 Public Utilities subject to §96-7.3</p>
<p style="text-align: center;">R-2 Single- and Two-Family Residential</p>	<p>Any R-1 Zone permitted principal use under the same conditions as prescribed therein Two-family dwellings, subject to § 96-5.1D</p>	<p>Any R-1 Zone permitted accessory use under the same conditions as prescribed therein</p>	<p>Any R-1 Zone conditional use, subject to the same conditions as prescribed therein.</p>
<p style="text-align: center;">R-3 Multifamily Residential</p>	<p>Any R-2 Zone permitted principal use under the same conditions as prescribed therein, Apartments and townhouses, subject to § 96-6.2 and §96-6.3</p>	<p>Private garages Swimming pools, subject to § 96-11.3 Signs, subject to § 96-12</p>	<p>Any R-2 Zone conditional use, subject to the same conditions as prescribed therein.</p>

		<p>Off-street parking</p> <p>Accessory uses customarily incidental to a permitted principal use,</p> <p>Fences and walls, subject to § 96-5.14</p> <p>Recreation courts as per §96-5.16</p>	
R-4 Mid-rise Residential Apartments	Any R-3 Zone permitted principal use under the same conditions as prescribed therein, Mid-rise residential apartments subject to §96-6.3	Any R-3 Zone permitted accessory use under the same conditions as prescribed therein	Any R-3 Zone conditional use, subject to the same conditions as prescribed therein.
C-1H Central Business Historic District	<p>Auto supply stores</p> <p>Apparel shops, Appliance stores</p> <p>Art galleries, Antique shops</p> <p>Bakery shops Banks, other financial institutions, Bars and taverns Barbershops, Beauty parlors, Book and stationery stores, Butcher shops</p> <p>Candy and confectionery stores Computer sales and services, Community buildings, social clubs, lodges, fraternal organizations</p> <p>Cafes and lounges</p> <p>Delicatessen stores</p> <p>Department stores, Drugstores, Dry goods and variety and Dollar stores</p> <p>Dry cleaning and laundry establishments</p> <p>Day care facilities</p> <p>Electrical and electronic repair and sales stores</p> <p>Elder Care Centers</p> <p>Florist and/or garden supply shops</p> <p>Food and grocery stores</p> <p>Furniture stores,</p> <p>Funeral Homes and Mortuaries</p> <p>Hardware and/or building supply stores,</p>	<p>Off-street parking and loading facilities. Subject to §96-8.</p> <p>Signs, subject to §96-12.</p> <p>Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies.</p> <p>Walls and fences, subject to § 96-10.1</p> <p>Buffer areas and zones, subject to §96-6.4.</p> <p>Residential apartments above permitted retail uses, subject to §96-6.4</p> <p>Outdoor storage areas subject to §96-10.2.</p> <p>Outdoor seating areas</p> <p>Solar energy systems only as an accessory to a permitted principal use only on the roof of a building.</p>	<p>Churches, other places of worship including parish houses, Sunday school buildings, subject to § 96-7.1.</p> <p>Essential and public services, subject to §96- 7.2.</p> <p>Public Utilities, subject to §96-7.3</p>

	<p>Hobby and craft Stores Health and Fitness Centers Jewelry shops Movie theaters, Bowling alleys, Dance studios, Martial Arts, Game stores and other indoor amusement facilities Medical Offices Municipal and governmental buildings Nursing Homes, Long Term Care Facilities Offices, business and professional, Office equipment and supply establishments Package liquor stores Painting, plumbing and wallpaper stores, Personal Service Establishments Pet shops Photographic equipment and supply stores Post offices, Public schools, Parks, Playgrounds, Firehouses, Libraries Real estate offices Restaurants and luncheonettes, excluding drive-through and drive-in facilities Shoe repair shops Sporting goods stores Supermarkets Tailors, dressmakers Travel agencies or offices Mixed use buildings consisting of more than one principal retail use listed above.</p>		
<p>C-2 Neighborhood Commercial District</p>	<p>Existing single-family detached residences, subject to the area, yard and bulk regulations of the R-1 Zone</p>	<p>Off-street parking and loading facilities, subject to §96-8. Signs, subject to § 96-12.</p>	<p>Churches, other places of worship including parish houses, Sunday school buildings, subject to § 96-7.1.</p>

	<p>Existing two-family residences, subject to the area, yard and bulk requirements of the R-2 Zone</p> <p>Banks including drive-in and through facilities in accordance with §96-6.6.</p> <p>Business Services</p> <p>Community buildings, social clubs, lodges, fraternal organizations</p> <p>Day Care Facilities</p> <p>Funeral Homes and Mortuaries</p> <p>Health Centers and Medical Offices, Health and Fitness Centers</p> <p>Hotels and Motels</p> <p>Offices, Business and Professional</p> <p>Personal Services</p> <p>Restaurants including drive- through facilities in accordance with §96.6.6.</p> <p>Retail Sales and Services</p> <p>Municipal and government buildings</p> <p>Parks, playgrounds, firehouses, libraries</p> <p>Shoe repair establishments</p> <p>Taverns and liquor sales</p>	<p>Accessory storage within a wholly enclosed permanent structure</p> <p>Walls and fences, subject to § 96-10.1.</p> <p>Buffer zones, subject to § 96-9.</p> <p>Private residential swimming pools, subject to § 96-7.9</p> <p>Outdoor storage areas, subject to §96-10.2</p>	<p>Essential and public services, subject to §96- 7.2.</p> <p>Public Utilities, subject to §96-7.3</p> <p>Automobile Service Stations, subject to §96-7.4.</p> <p>Auto Body and Repair Shops, subject to §96-7.5.</p>
<p>I-1 Light Industrial District</p>	<p>Indoor Agriculture and Horticulture (not cannabis)’. “Ghost Kitchens” and catering facilities.</p> <p>Light Industrial Uses and Clinics</p> <p>Manufacturing use in which no noise, emissions, odors, smoke, dust, vibration or glare is discernable at the property line.</p> <p>Offices and administrative buildings</p> <p>Research and development facilities</p> <p>Restaurants</p> <p>Self-Storage Facilities</p> <p>Veterinary Hospitals</p>	<p>Off-street parking and loading facilities, subject to §96-8.</p> <p>Signs, subject to § 96-12.</p> <p>Accessory storage within a wholly enclosed permanent structure.</p> <p>Walls and fences, subject to § 96-10.1.</p> <p>Buffer zones, subject to § 96-9.</p> <p>Outdoor storage areas, subject to §96-10.2.</p> <p>Parks and recreation areas</p> <p>Solar energy systems on the roof of a permitted principal or accessory building.</p>	<p>Churches, other places of worship including parish houses, Sunday school buildings, subject to § 96-7.1.</p> <p>Essential and public services, subject to §96- 7.2.</p> <p>Public Utilities, subject to §96-7.3</p> <p>Auto Body and Repair Shops, subject to §96-7.5.</p> <p>Telecommunication Facilities, subject to §96-7.6</p>

	Warehouse and distribution centers. This shall not be deemed to include truck terminals, truck repair, parking facilities or any retail facilities. Wholesale Establishments		
I-2 Heavy Industrial District	Building Material Facilities and Yards Construction Equipment Sales, Rental and Repair Fabrication, assembly and packaging of finished products; and manufacturing, processing, compounding and treating of materials Generators, transformers, radio equipment and other utilities Offices and administrative buildings Restaurants Health and Fitness Centers Self-Storage Facilities Veterinary Hospitals and Clinics Warehousing, shipping, offices and distribution centers Light Industrial Uses	Any I-1 permitted accessory use under the same conditions as prescribed therein.	Any I-1 conditional use under the same conditions as prescribed therein
I-3 Neighborhood Industrial District	Equipment Sales and Rental Businesses Fabrication that does not require the use of heavy machinery, chemicals or manufacturing processes that would negatively affect surrounding residential areas. Garden Centers, Greenhouses Light Industrial and Assembly Uses Professional and Business Offices Transportation and Delivery Service Businesses Veterinary Hospitals and Clinics	Any I-1 permitted accessory use under the same conditions as prescribed therein.	Essential and public services, subject to §96- 7.2. Public Utilities, subject to §96-7.3 Auto Body and Repair Shops, subject to §96-7.5.

OP-1 Office Park District (1)	Banks and other financial institutions including drive in and drive through facilities Convention centers and theaters Convenience shopping services for the sale of goods and services which serve the office and residential uses in the Office Park District Hotels and Motels Office buildings, Business and professional Research and development facilities Office parks Restaurants, sit down excluding drive in and drive through facilities Nursing Homes and Long Term Care Facilities	Off-street parking and loading facilities, subject to §96-8. Signs, subject to § 96-7.8 Accessory storage within a wholly enclosed permanent structure. Walls and fences, subject to § 96-7.2 Retail service for sales of goods and convenience shopping. All retail space shall not exceed 15% of the gross floor area, provided that no single retail business shall exceed 4,000 square feet. Parks and recreational facilities	Essential and public services, subject to §96- 7.2. Public Utilities, subject to §96-7.3 Telecommunication Facilities, subject to §96-7.6
Warehouse/ Distribution -1	Office buildings, Business and professional Warehousing, shipping, and distribution centers E Commerce Distribution Depots Agriculture and Horticulture Operations within buildings. Public and Private Bus Garages and Facilities	Off-Street Parking and Loading, subject to §96-8. Signs, subject to §96-12. Walls and Fences subject to §96-7.2 Buffer areas subject to §96-9	Essential and public services, subject to §96- 7.2. Public Utilities, subject to §96-7.3 Telecommunication Facilities, subject to §96-7.6
Open Space Zone	Natural Areas Preserved as Open Space Threatened or Endangered Habitat Areas Public Educational Facilities Public Parks and Recreation Facilities Radio Communication Facilities Art and Cultural Activities Sponsored by the Village	Off-street Parking Areas to support permitted uses	Telecommunication Facilities, subject to §96-7.6
Arts Overlay Zone	See section 96-6.17		

(1) The following parcels in the Challenger Road area are governed by the Challenger Road Redevelopment Plan and are not subject to the OP-1 zone requirements: Block 24.02 Lot 1, Block 24.03 Lot 4, Block 24.04 Lot 1, Block 24.05 Lot 1.

Prepared: Jan. 21, 2023
Revised October 23, 2023

Schedule 2 - Area and Bulk Requirements

Zone	District	Area (sq. ft.)	Frontage (ft)	Width (ft)	Depth (ft)	Bldg. Cov. (1)	Lot Cov. (2)	Bldg. Hgt. (ft./sty)	Front Yd. (ft.)	Rear Yd. (ft)	Side Yd (ft)	Side Yd (ft)
R-1	Single Fam.	7,500	50	50	100	25%	50%	32/2 ½	20'	30'	8'	7'
R-2	Single	7,500	50	50	100	25%	50%	32, 2 ½	20'	30'	8'	7'
	Two-Family	10,000	100	100	100	25%	50%	32/2 ½	20'	30'	20'	20'
R-3	Single	7,500	50	50	100	25%	50%	32/2 ½	20'	30'	8'	7'
	Two-Family	10,000	100	100	100	25%	50%	32 /2 ½	20'	30'	20'	20'
	Townhouse	15,000	100	100	100	35%	70%	35/2	30'	30'	20'	20'
	Apartment	20,000	100	100	100	25%	70%	35/3	30'	35'	20'	20'
R-4	Mid-Rise Apartment	40,000	150	150	150	25%	75%	70/7	30'	45'	30'	30'
C-1H	Central Business Historic District	5,000	50	50	100	70%	90%	40	(3)	30	(4)	(4)
C-2	Neighborhood Commercial District (5)	7,500	75	75	100	40%	80%	35/3 (7)	20	30	10	10
I-1	Light Industrial District	40,000	150	150	200	30%	60%	50	30	30	25	25
I-2	Heavy Industrial District	40,000	150	150	200	20%	75%	50	30	40	25	25
I-3	Local Industrial District	5,000	50	50	100	40%	80%	24/2	10	20	10	10
OP-1	Office Park District	80,000	150	150	150	40%	75%	225/25	30 (6)	40	30	30
WD -1	Warehouse Distribution	4 ac	300	300	400	50%	75%	80/2	70	50	30	30
OS	Open Space	1 ac.										
Arts Overlay Zone	See section 96-6.17											

(1) – includes principal and accessory buildings and structures

(2) – includes all impervious surfaces

- (3) – front setback shall be 20 feet or the average of existing buildings on the block front, whichever is less
- (4) – Side yard setback shall be 8 feet and 7 feet respectively unless the adjacent buildings or located on the side property line. In that case the side yard setback shall be zero.
- (5) – Existing single and two family residential uses in the C-2 zone shall comply with the R-1 and R-2 bulk requirements for single and two-family uses, respectively.
- (6) – The front yard setback in the OP-1 zone shall be increased by 1 foot for each 5 feet in building height above 50 feet in height. Therefore, a 75 foot high building would require a 35 foot building setback and a 200 foot high building would require a 60 foot front setback.
- (7) - Hotels in the C-2 zone shall have a height limitation of 45 feet and 4 stories.

Prepared: Jan. 21, 2023

Revised: October 23, 2023

ZONING DISTRICT MAPS

VILLAGE OF RIDGEFIELD PARK

ZONE PLAN LEGEND

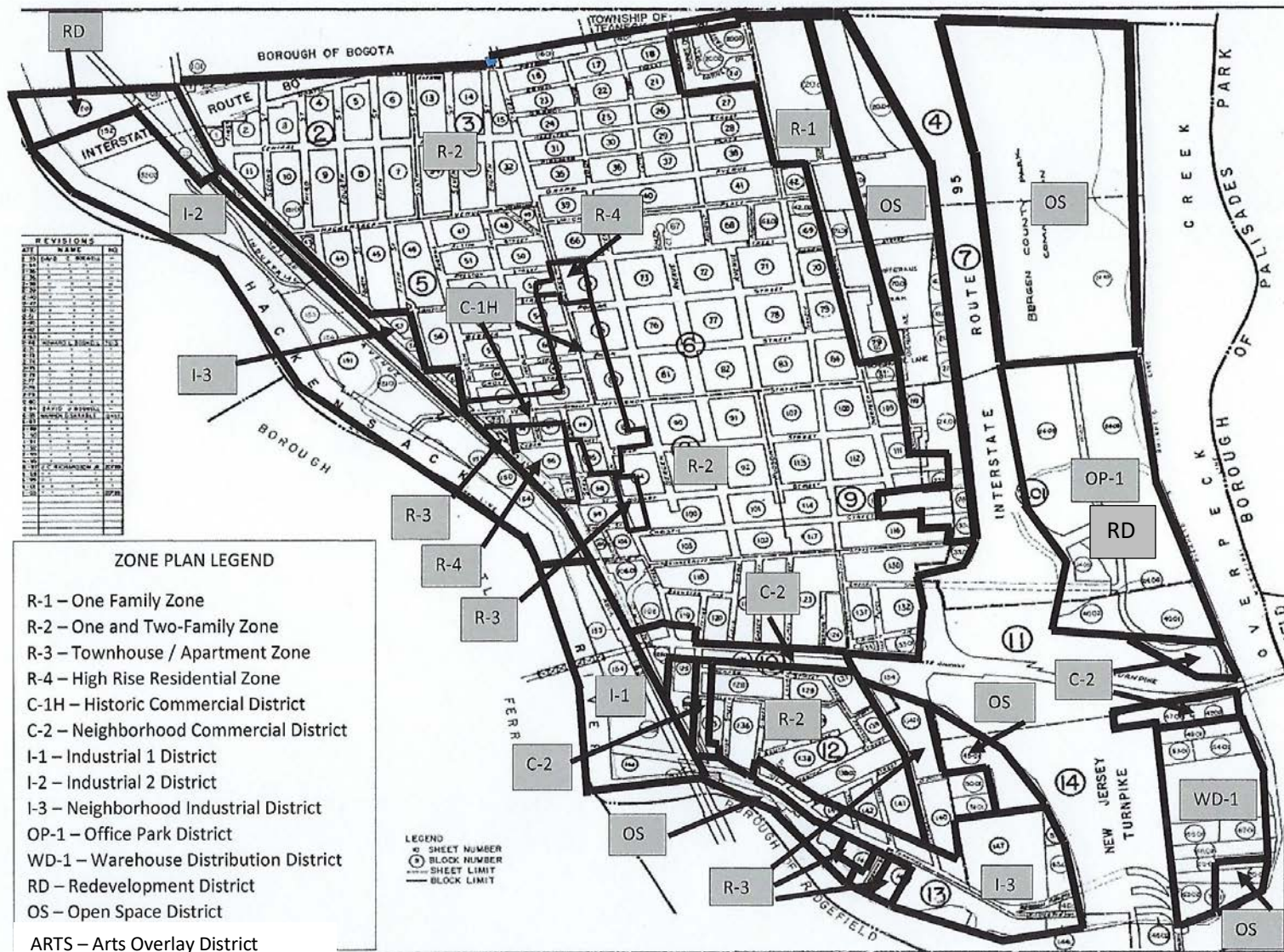
R-1 – One Family Zone
R-2 – One and Two-Family Zone
R-3 – Townhouse / Apartment Zone
R-4 – High Rise Residential Zone
C-1H – Historic Commercial District
C-2 – Neighborhood Commercial District
I-1 – Industrial 1 District
I-2 – Industrial 2 District
I-3 – Neighborhood Industrial District
OP-1 – Office Park District
WD-1 – Warehouse Distribution District
RD – Redevelopment District
OS – Open Space District
ARTS – Arts Overlay Zone

Prepared by

Kenneth Ochab Associates

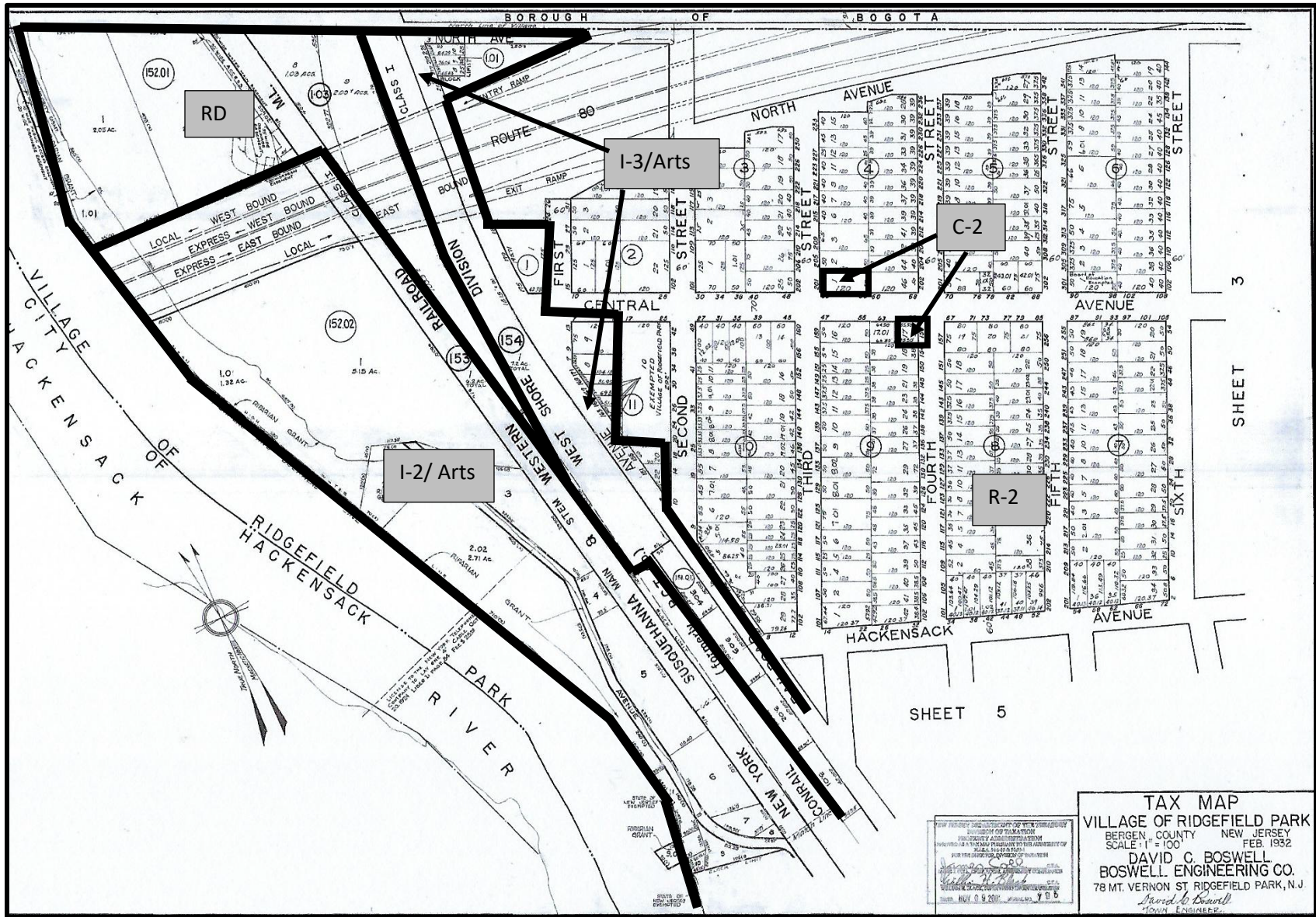
Preparation date: April 26, 2023

Latest Revised: September 30, 2023

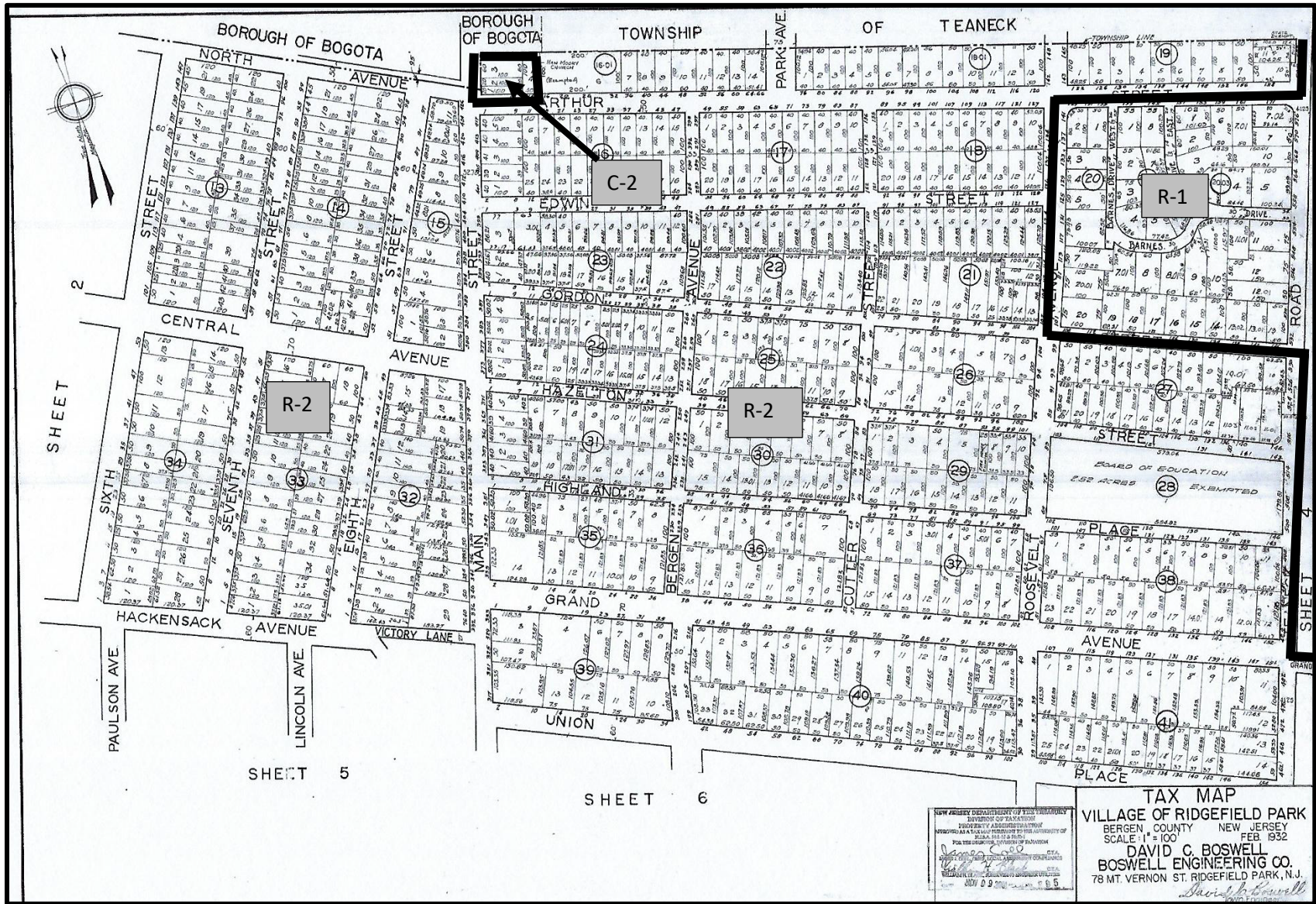


For general use only – See detail zoning sheets below for more accurate zoning designations.

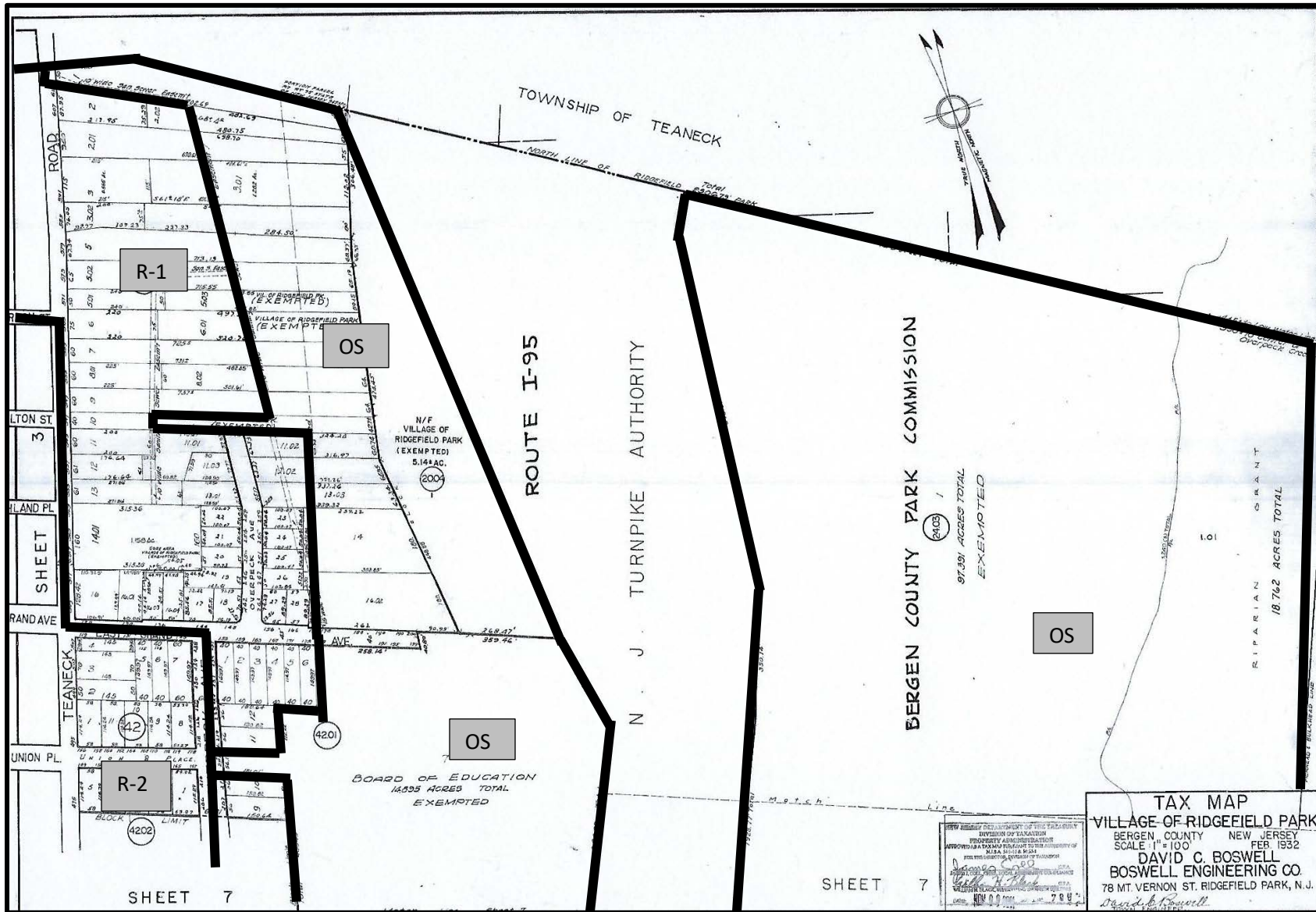
ZONE DISTRICT MAP / TAX MAP 2



ZONE DISTRICT MAP / TAX MAP 3

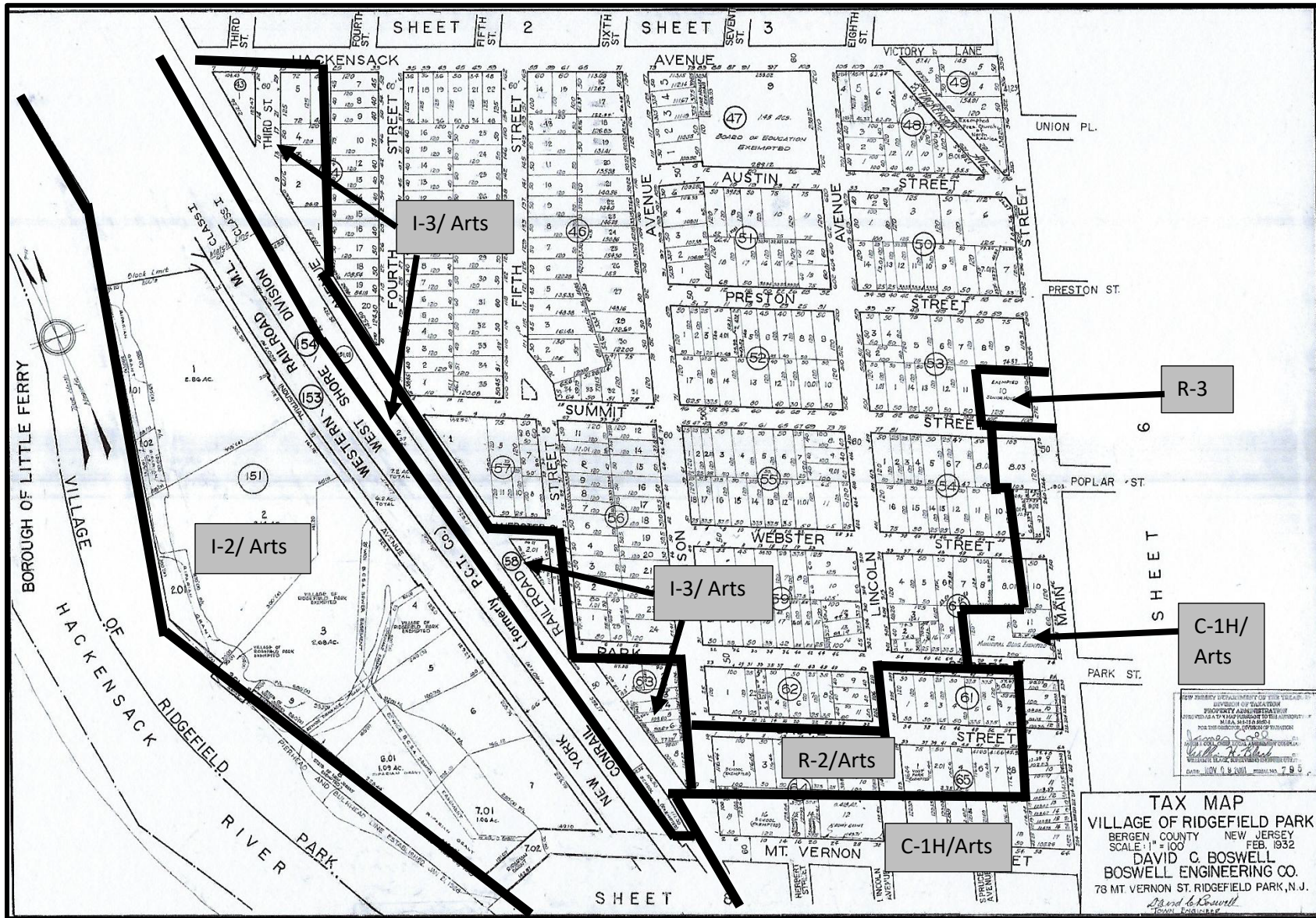


ZONE DISTRICT MAP / TAX MAP 4

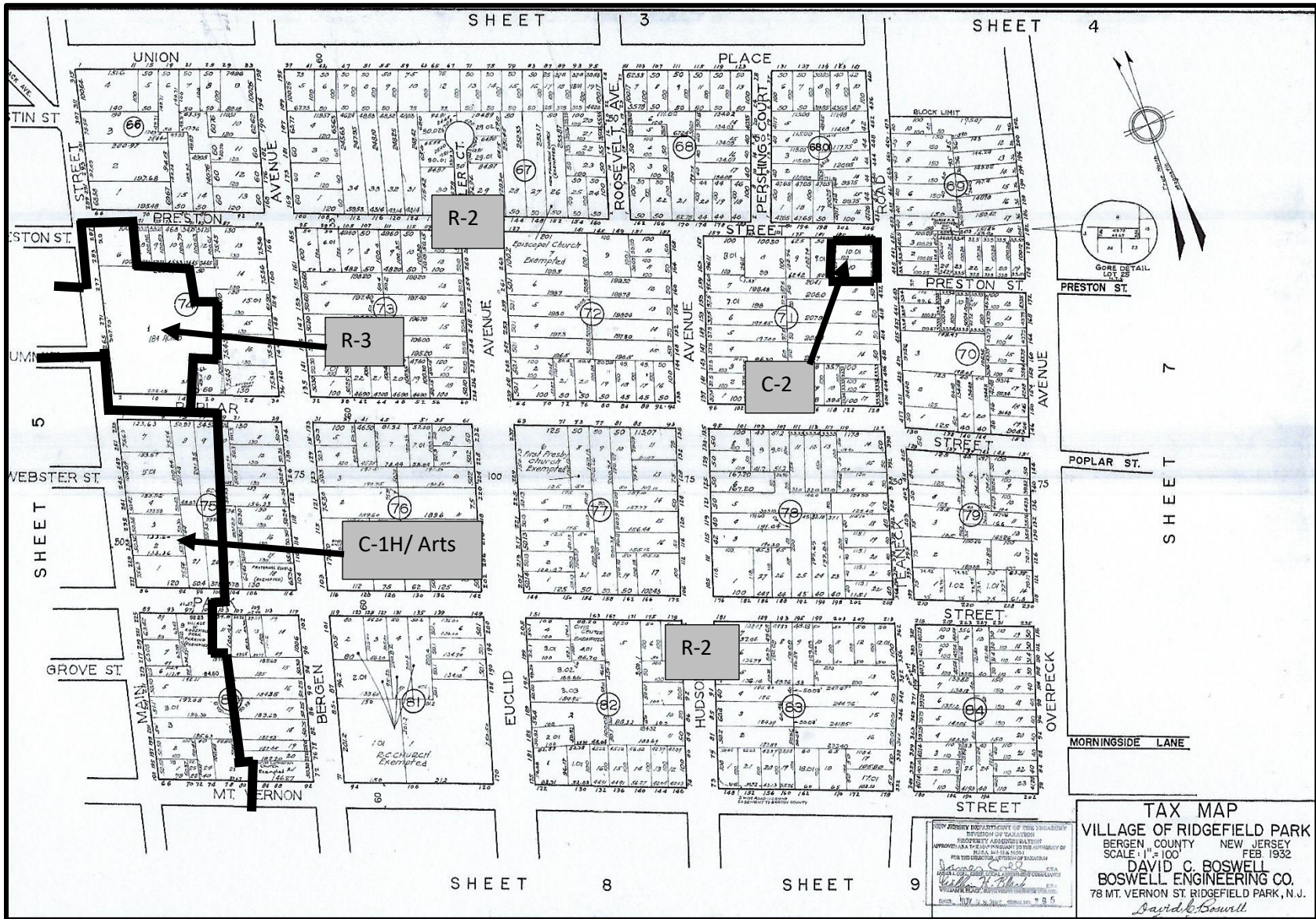


TAX MAP
VILLAGE OF RIDGEFIELD PARK
 BERGEN COUNTY NEW JERSEY
 SCALE 1" = 100' FEB 1932
DAVID C. BOSWELL
BOSWELL ENGINEERING CO.
 78 MT. VERNON ST. RIDGEFIELD PARK, N.J.
David C. Boswell

ZONE DISTRICT MAP / TAX MAP 5



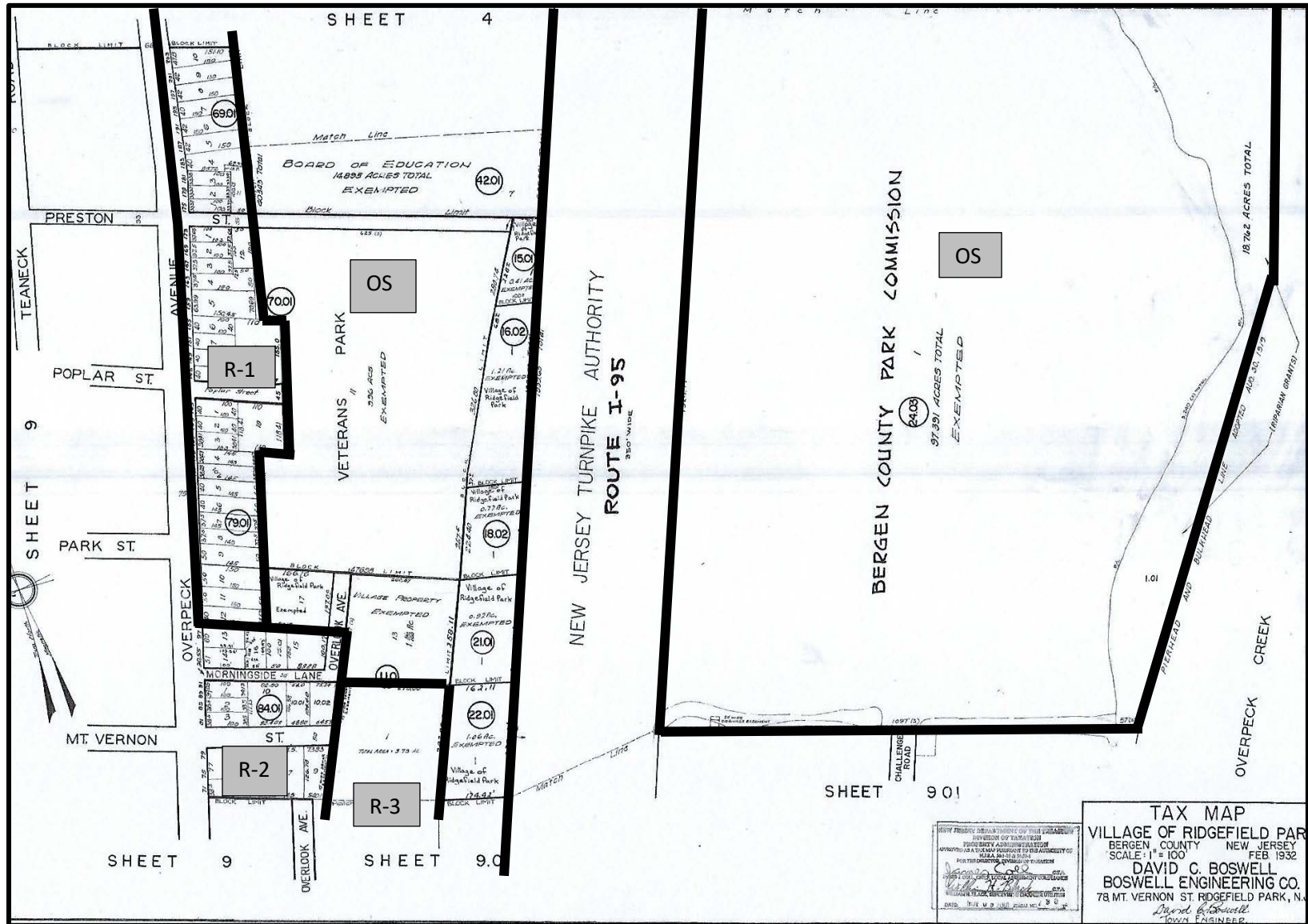
ZONE DISTRICT MAP / TAX MAP 6



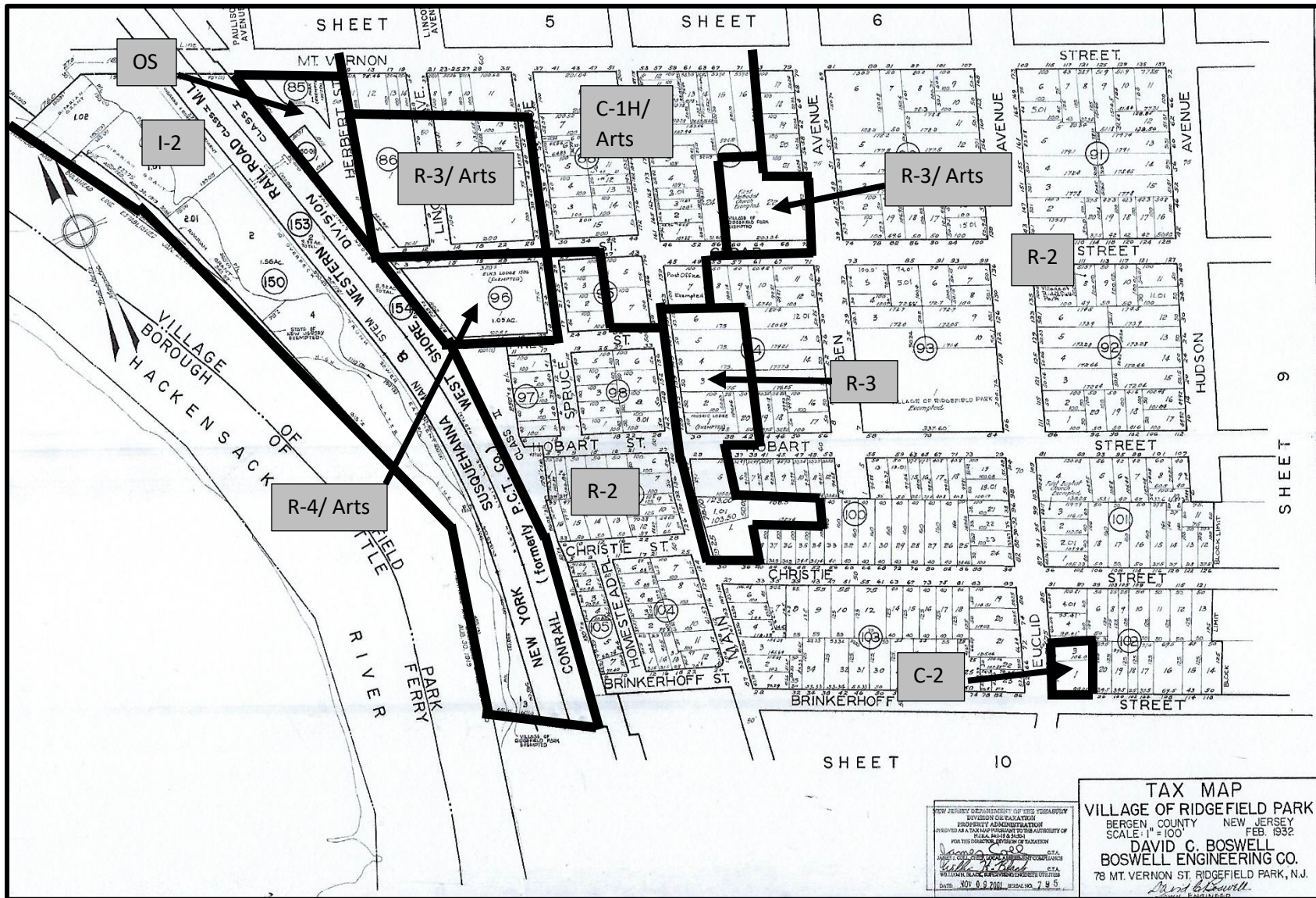
NEW JERSEY DEPARTMENT OF TREASURY
 DIVISION OF TAXATION
 PROPERTY ADJUSTMENT UNIT
 APPROVED AS A PLAN PRESENTED TO THE COMMISSIONER OF
 REVENUE AND TAXATION
 FOR THE DISTRICT OF RIDGEFIELD PARK
 RIDGEFIELD PARK, NEW JERSEY
 DATE: 11/11/13

TAX MAP
 VILLAGE OF RIDGEFIELD PARK
 BERGEN COUNTY NEW JERSEY
 SCALE: 1" = 100'
 FEB 1932
DAVID C. BOSWELL
 BOSWELL ENGINEERING CO.
 78 MT. VERNON ST. RIDGEFIELD PARK, N. J.
David C. Boswell

ZONE DISTRICT MAP / TAX MAP 7



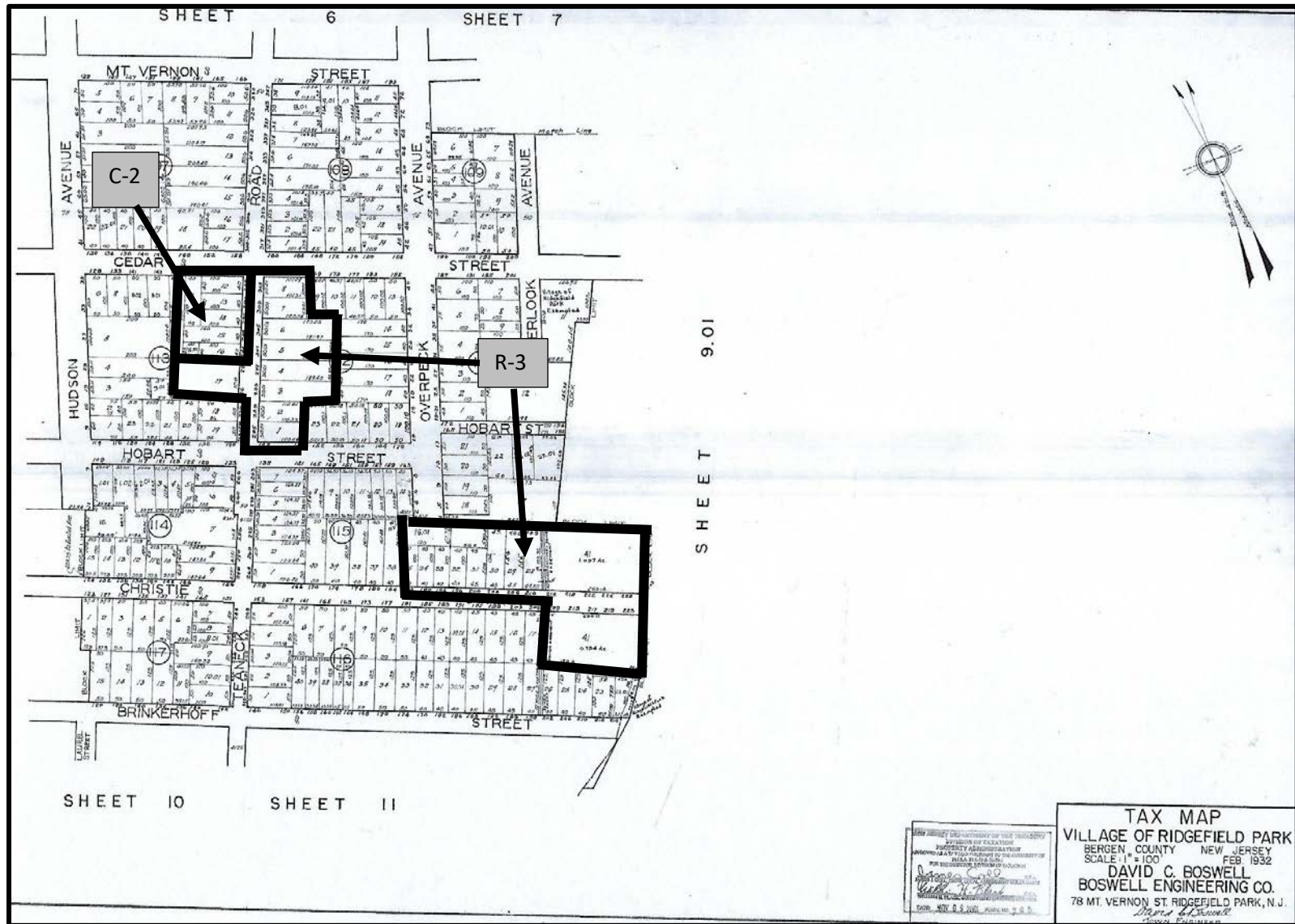
ZONE DISTRICT MAP / TAX MAP 8



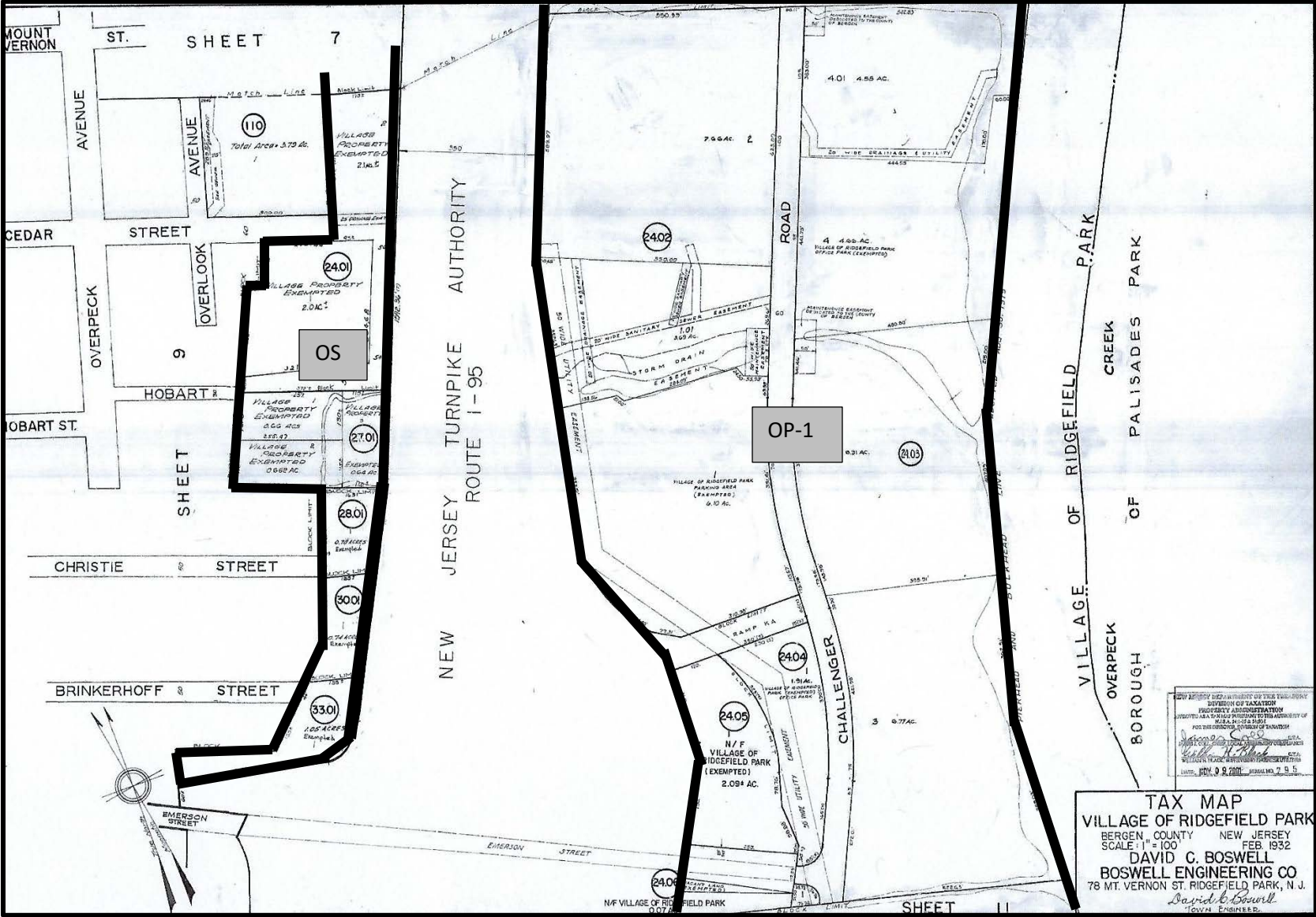
NEW JERSEY DEPARTMENT OF TREASURY
 DIVISION OF TAXATION
 PROPERTY ADMINISTRATION
 PROVIDED AS A TAX MAP PRESENT TO THE AUTHORITY OF
 BERGEN COUNTY FOR REVIEW
 FOR THE DISTRICT OF BERGEN COUNTY
 DATE: NOV. 8, 2001, REVISION NO. 7, 9, 5

TAX MAP
 VILLAGE OF RIDGEFIELD PARK
 BERGEN COUNTY NEW JERSEY
 SCALE: 1" = 100' FEB. 1932
 DAVID C. BOSWELL
 BOSWELL ENGINEERING CO.
 78 MT. VERNON ST. RIDGEFIELD PARK, N.J.
David C. Boswell
 CIVIL ENGINEER

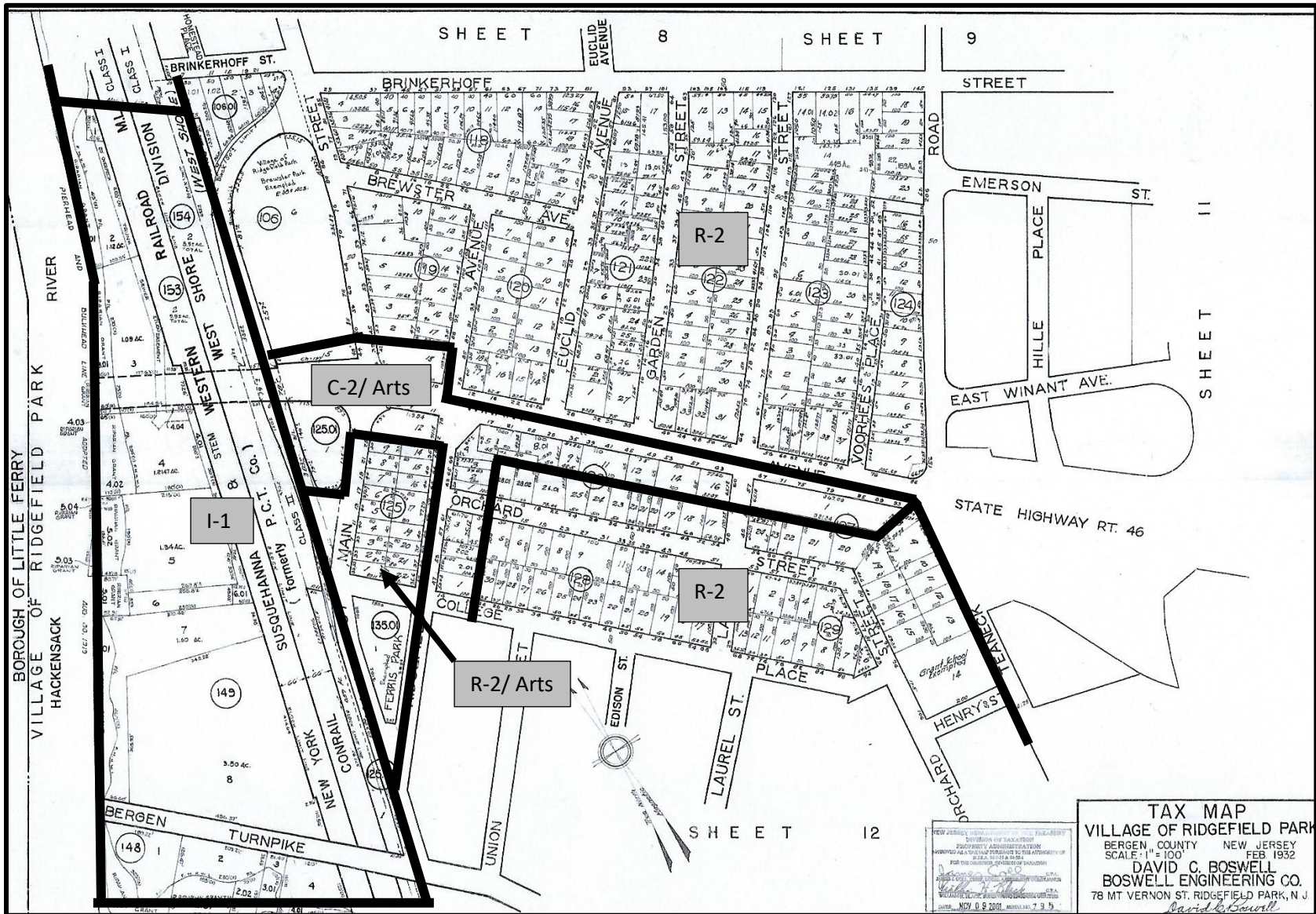
ZONE DISTRICT MAP / TAX MAP 9



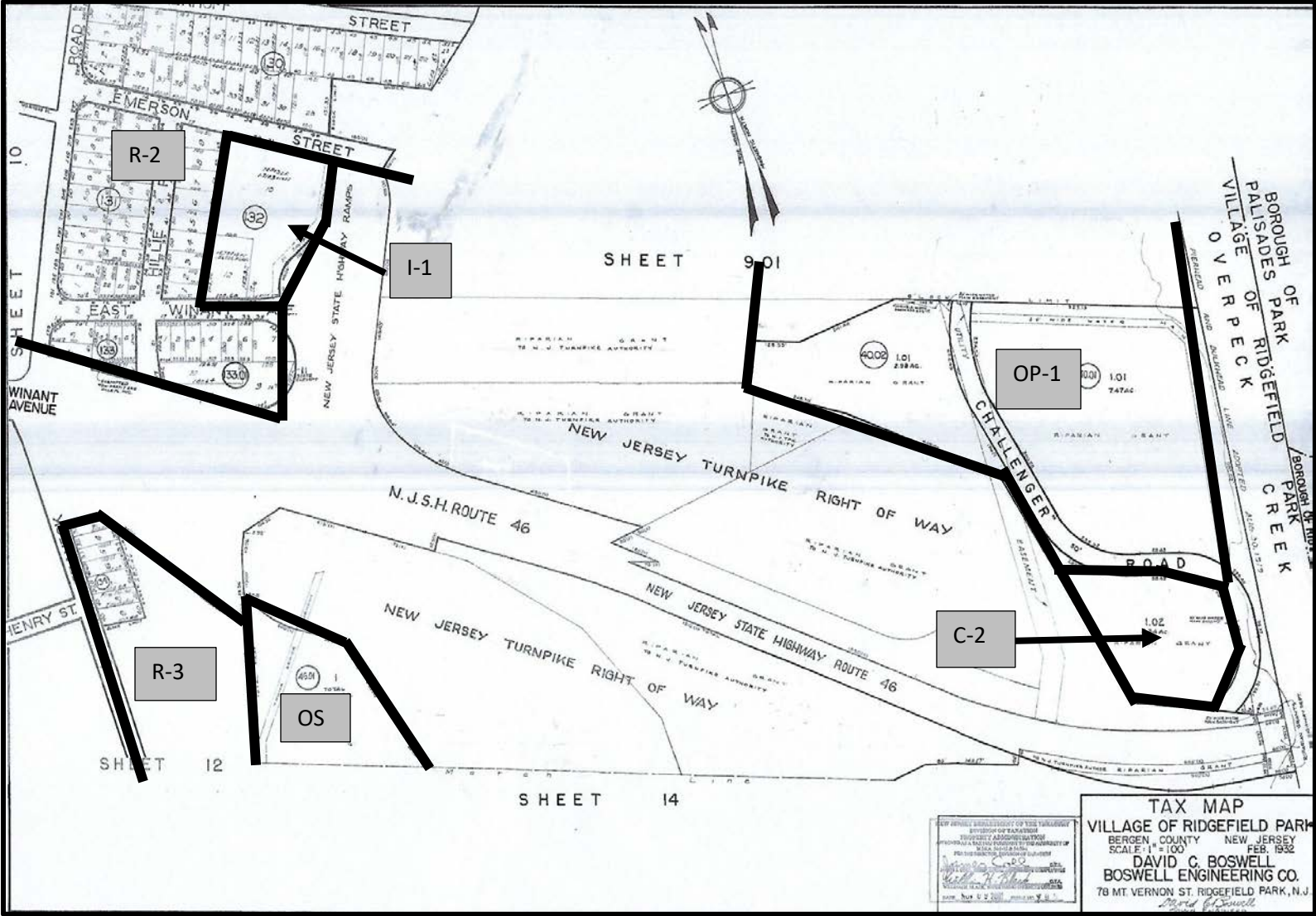
ZONE DISTRICT MAP / TAX MAP 9.1



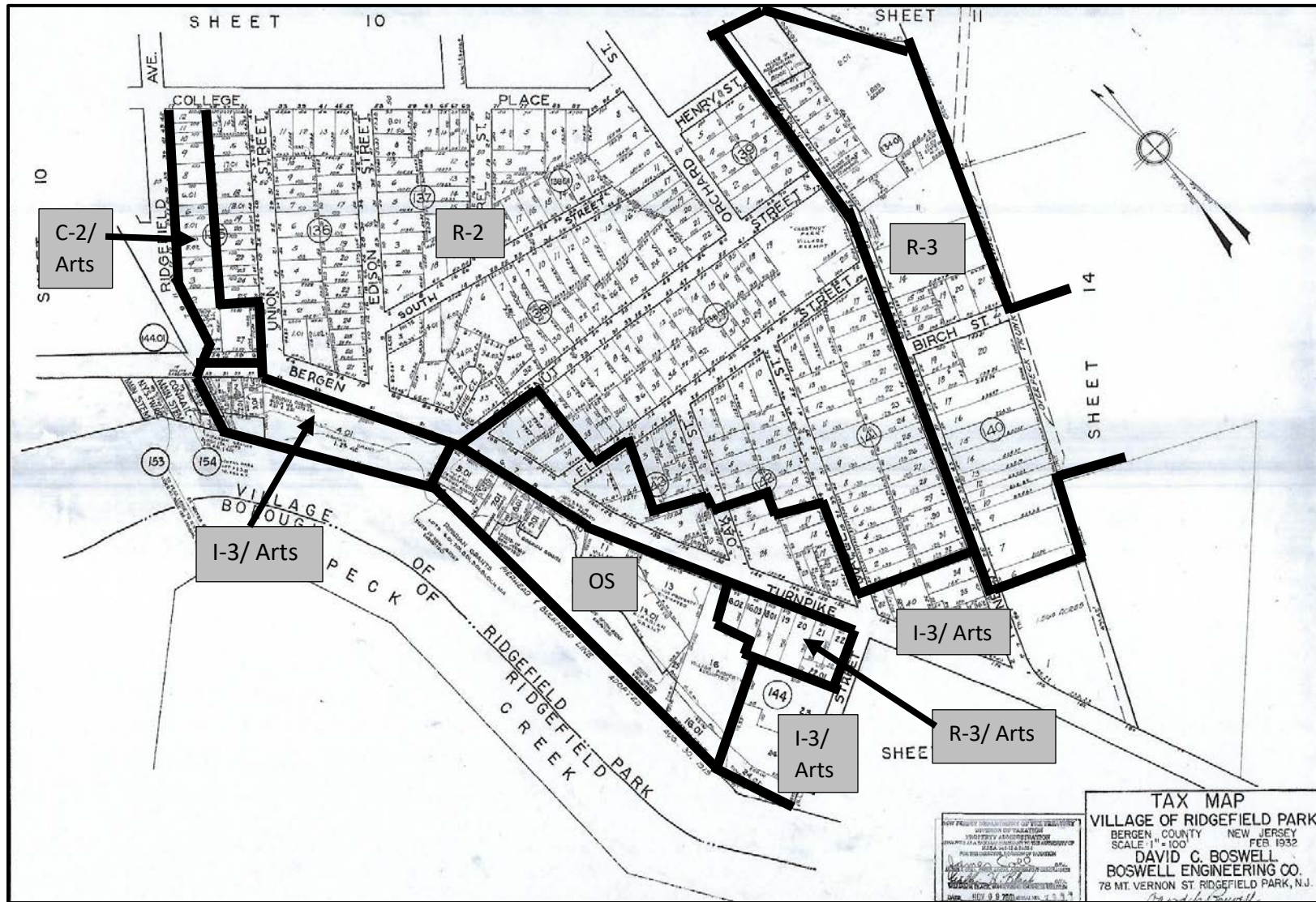
ZONE DISTRICT MAP / TAX MAP 10



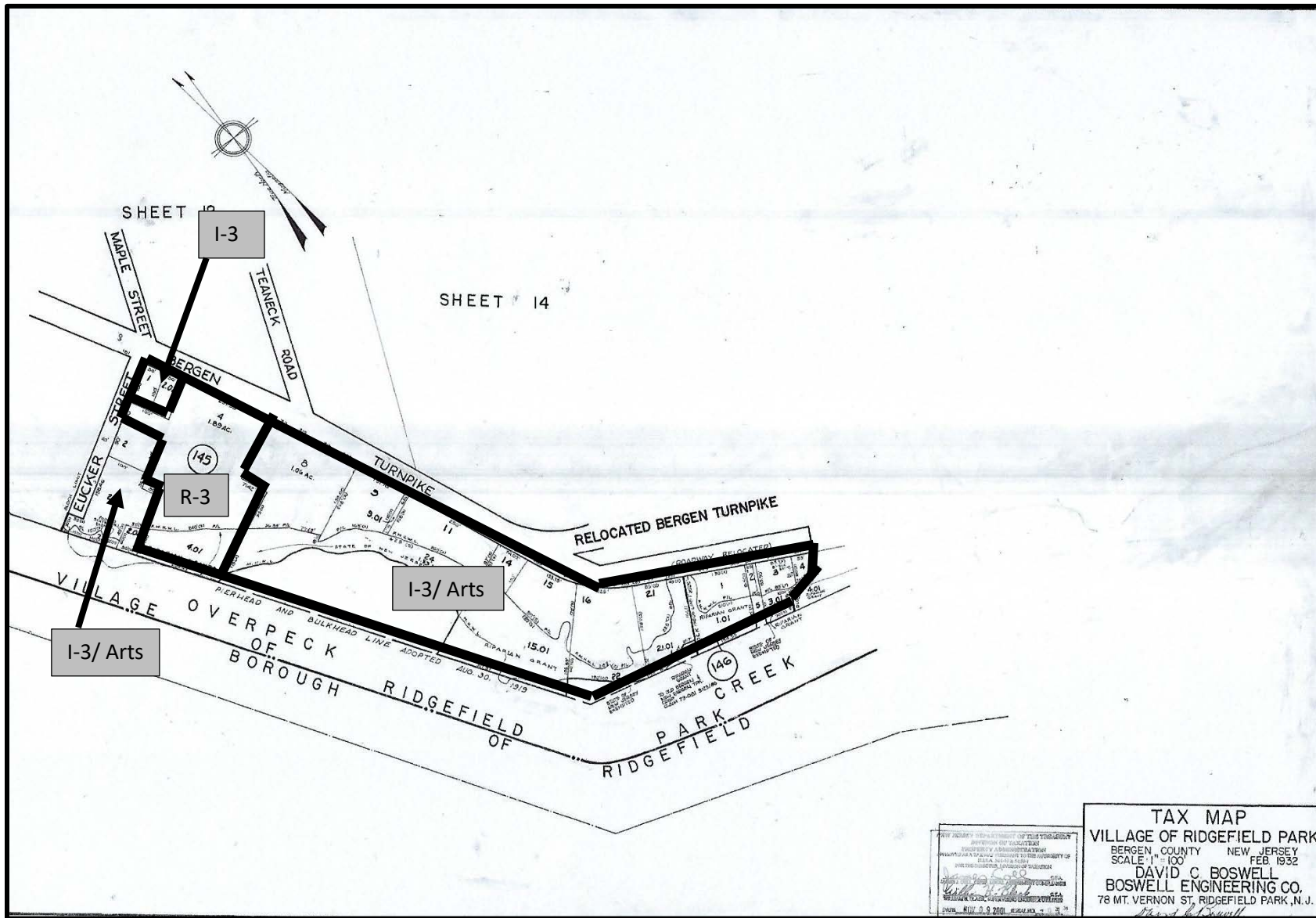
ZONE DISTRICT MAP / TAX MAP 11



ZONE DISTRICT MAP / TAX MAP 12

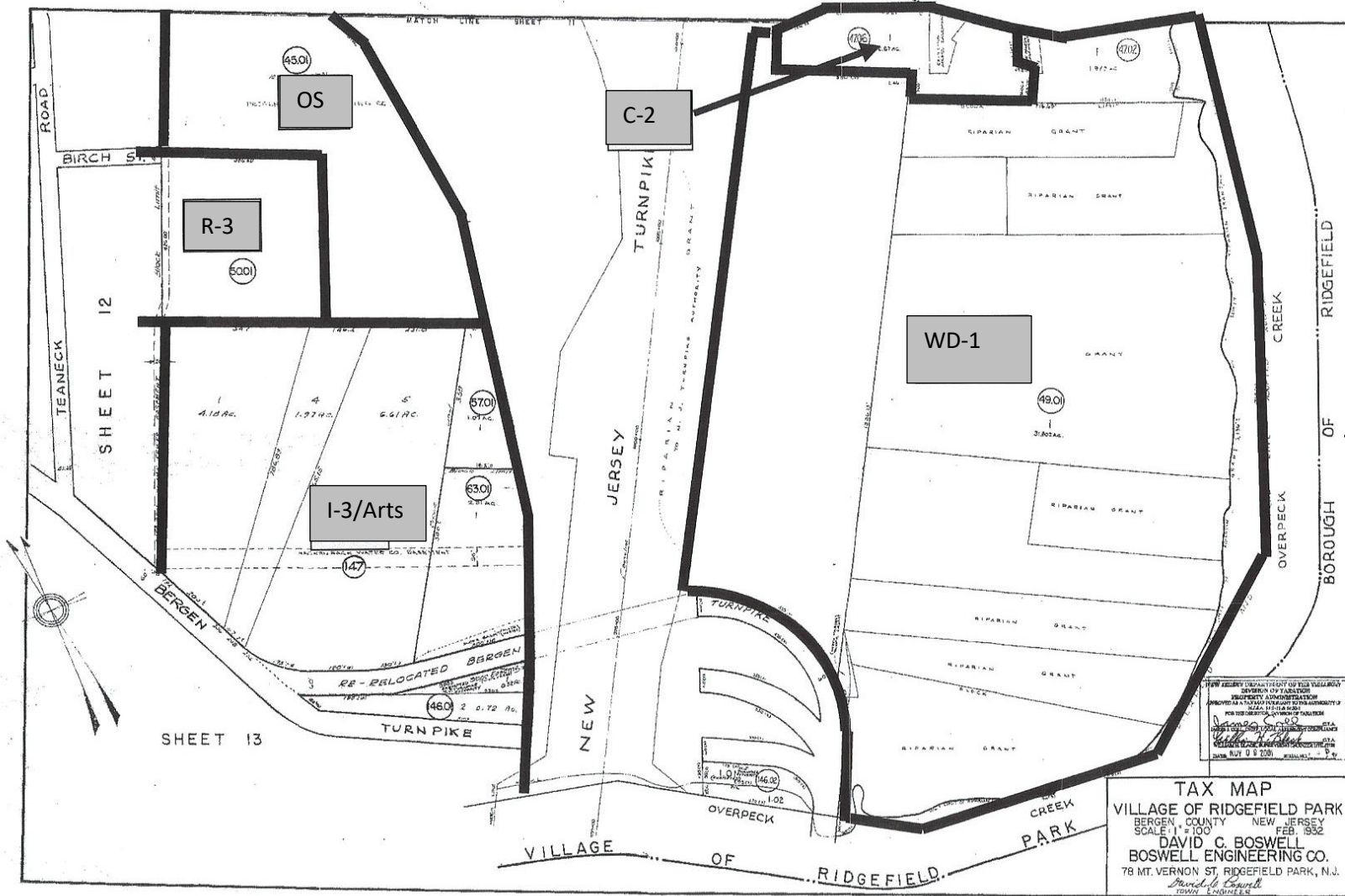


ZONE DISTRICT MAP / TAX MAP 13



ZONE DISTRICT MAP / TAX MAP 14

14



CHAPTER

96A

DEVELOPMENT

REGULATIONS

DEVELOPMENT

Article I

- § 96A-1 Administration.
- § 96A-2 Appeals.
- § 96A-3 Compliance.
- § 96A-4 Permits.
- § 96A-5 Violations and penalties.

Article II

- § 96A-6 Fees.

Article III

- § 96A-7 Board of Adjustment.
- § 96A-8 Planning Board.
- § 96A-9 Provisions applicable to both Board of Adjustment and Planning Board.
- § 96A-10 Planning Board review of applications for use variances.

Article IV

- § 96A-11 Public hearings; notices.

Article V

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- § 96A-13 Checklist for applications.
- § 96A-14 Exceptions.
- § 96A-15 Exemptions from subdivision regulations.
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- § 96A-17 Site plan approval required.
- § 96A-18 Use variance applications.
- § 96A-19 Conditional uses.
- § 96A-20 Submission of informal plat for minor and major developments.
- § 96A-21 Submission of preliminary plat for development.
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REGULATIONS

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- § 96A-26 Appearance of buildings.
- § 96A-27 Building numbering.
- § 96A-28 Curbs and gutters.
- § 96A-29 Drainage.
- § 96A-30 Easements.
- § 96A-31 Environmental impact report.
- § 96A-32 Fire hydrants and fire alarms.
- § 96A-33 Lighting.
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- § 96A-37 Off-street parking and loading.
- § 96A-38 Public utilities.
- § 96A-39 Sanitary sewers.
- § 96A-40 Shade trees.
- § 96A-41 Sidewalks.
- § 96A-42 Sight triangles.
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- § 96A-46 Water supply.
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- § 96A-48 Stormwater Control
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- § 96A-54 Repeal of Inconsistent Ordinances

§ 96A-55 Amendments.

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§ 96A-57 Saving provisions.

§ 96A-58 Publication.

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ARTICLE I

§96A-1 Administration

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Village. Any action taken under the terms of this chapter shall give primary consideration to the welfare of the entire community. These rules and regulations shall deal with the administration and composition of the Board of Adjustment and the Planning Board and regulate the use of land and buildings in the Village of Ridgefield Park and are enacted in order to promote and protect the public health, safety, morals and general welfare of the people. This chapter shall be known as the “Development Regulations of the Village of Ridgefield Park” and shall be read contemporaneously with the Zoning Ordinance (Chapter 96) of the Village of Ridgefield Park.

§ 96A-2 Appeals.

No appeals shall be made to the governing body of the Village of Ridgefield Park from any decision of the Board of Adjustment or Planning Board.

§ 96A-3 Compliance.

All requirements of this chapter shall be met at the time of any erection, enlargement, moving or change in use.

§ 96A-4 Permits.

A. No zoning permit, building permit or certificate of occupancy shall be issued where improvements to a property, sale of land, use of property or subdivision(s) were undertaken in violation of this chapter.

B. A zoning permit shall be issued simultaneously with or before the issuance of any building permit or certificate of occupancy. Where a building permit is issued, no zoning permit shall be required.

C. Any lot or building or change in use shall require a certificate of occupancy prior to its use. No certificate shall be issued unless the land, building and use comply with this chapter, all matters incorporated on the approved subdivision or site plan such as streets, drainage, parking and water and sewer service have been completed and certified by the Municipal Engineer, and the Building and Health Codes are complied with.

§ 96A-5 Violations and penalties.

A. In case of any violation of this chapter, the Village or an interested party may institute appropriate action to prevent such violation; to restrain, correct or abate such violation; to prevent the occupancy of said structure or land; and to prevent any illegal act, conduct, business or use in or about such premises. Any person convicted of such violations before a court of competent jurisdiction shall be subject to a penalty not to exceed \$500 and/or 90 days in jail. Each day shall be deemed a separate violation.

B. If before final subdivision approval any person as owner or agent transfer or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, any land which forms a part of a subdivision for which municipal approval is required, 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.

C. In addition, the Village may institute and maintain a civil action:

- 1) For injunctive relief; and
- 2) To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56, but only if the municipality has a Planning Board and has adopted by ordinance standards and procedures in accordance with N.J.S.A. 40:55D-38.

D. 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 after the date of the recording of the instrument of transfer, sale or conveyance of said land or within six years if unrecorded.

ARTICLE II

§ 96A-6 Fees.

The developer shall, at the time of filing a submission, pay the following nonrefundable fees to the Village by certified check or bank money order. Proposals involving more than one use shall pay a fee equaling the sum of the fees for the component elements of the plat. Proposals requiring a combination of approvals, such as subdivision, site plan and/or a variance, shall pay a fee totaling the full fee of the approval with the highest fee, plus 1/2 the fee of the next-highest approval required and nothing for additional approvals. In the event the costs for reviewing major subdivisions and site plans exceed the following fees, the Village may require additional deposits in the amounts not to exceed 50% of the initial deposit for each additional deposit. In a development application which involves a substantial amount of review by the Village Engineer and other officials of the municipality, the developer and the approving authority may agree to some alternate fee and method of payment in addition to the minimum fee set forth below, provided said total fees are sufficient to cover municipal costs.

A. Subdivision, including clustered single-family dwelling proposal.

- 1) Informal plat: \$35.
- 2) Preliminary plat: \$200 for R-1 and R-2 Zones; \$500 for all other zones + \$100 per acre or portion thereof.

- 3) Final plat: \$100 for R-1 and R-2 Zones; \$500 for all other zones. +\$50 per acre or portion thereof.

B. Site plan.

- 1) Informal plat: \$200
 - a) Planned development: \$1,000.
- 2) Preliminary site plan.
 - a) Residential single-family and two-family units: \$200.
 - b) Residential multifamily units (three or more): \$100 per unit; minimum fee: \$2,000.
 - c) Commercial/industrial and other: \$500 per acre; minimum fee: \$2,000.
 - d) Freestanding or lighted signs not included in site plans: \$300.
 - e) Planned development: \$5,000.
- 4) Final site plan: 1/2 the preliminary site plan fee.
 - a) Planned development: \$3,000 per phase.

C. Variances and other appeals.

- 1) Hear and decide appeals:
 - 1 and 2 Family Homes - \$100
 - All others - \$500
- 2) Conditional uses: \$750.
- 3) Interpretation of Zoning Map or Ordinance:
 - a) Residential: \$100.
 - b) Non-residential: \$250
- 4) C variance.
 - a) Single-family and two-family dwellings (any and all): \$100
 - b) Nonresidential units and buildings consisting of three or more dwelling units (any and all): \$500
- 5) Use variance.
 - a) Single and Two Family Residential: \$350, plus \$50 per each additional dwelling unit after one unit.
 - b) Other uses: \$1,000 plus \$100 per acre.
- 6) Building permit in conflict with Official Map or building permit for lot not related to a street: \$100.
- 7) Zoning Certificate Application - \$50
- 8) When an application requires more than one of the above items, the applicant shall pay a separate fee for each item required.

9) Additional fees shall be imposed to cover the cost of preparing a developer's agreement, if required, and all other fees charged by the Board's engineers, attorneys, planners and/or consultants which are necessary in reviewing the application. The Board may require that a sum of money be deposited in an escrow account to cover the anticipated cost of its professionals, with any remaining amounts to be refunded to the applicant at the conclusion of the matter. The amount to be deposited shall be determined by the Board, in its sole discretion and shall be paid prior to the public hearing on the application.

10) If the cost of such review services exceeds the amount of the deposit, sufficient additional funds shall be deposited before any approved site plan is returned to the applicant or advertised.

11) Where consultation with experts outside the disciplines in Subsection 96A-6C(8) is required due to the specific application involved, the applicant shall deposit additional escrow fees based on cost estimates or fee schedules provided by such outside experts.

D. Preparation by the building officials of the list of property owners to be served with notices: \$0.25 per name or \$10, whichever is greater, for each list.

E. Affidavit from Village Clerk as to current status of taxes owed to the Village: \$10 each.

ARTICLE III

§ 96A-7 Board of Adjustment.

A. Establishment and composition.

- 1) A Board of Adjustment is hereby established pursuant to N.J.S.A. 40:55D-69 et seq., consisting of seven regular members who shall be residents of the Village appointed by the Board of Commissioners to serve for terms of four years from January 1 of the year of their appointment. The terms of the members first appointed shall be so determined that, to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided that the initial term of no member shall exceed four years. Thereafter, the term of each member shall be four years. Nothing in this chapter shall, however, be construed to affect the term of any present member of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the term for which they were appointed. There shall also be appointed by the Board of Commissioners two residents of the Village who shall serve as alternate members of the Board for a term of two years each. The alternate members first appointed shall be appointed one for one year and the other for two years, with each term thereafter being for two years. Alternate members shall, at the time of their appointment, be designated as "Alternate No. 1" and "Alternate No. 2." Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. 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.

- 2) No member of the Board of Adjustment may hold any elective office or position in the Village.
- 3) A vacancy occurring otherwise than by expiration of the term shall be filled for the unexpired term only.

B. Board of Adjustment authority.

- 1) No variance or other relief may be granted under the provisions of this section unless granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance.
- 2) The Board of Adjustment shall have powers to:
 - a) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the Zoning Ordinance (Chapter 96).
 - b) Hear and decide requests for interpretation of the Zoning Map or Ordinance or for decisions upon which such Board is authorized to pass by any zoning or official map ordinance in accordance with this Act.
 - c) Hardship and use variances.
 - 1) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to Article 8 of this Act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; or
 - 2) Where, in an application or appeal relating to a specific piece of property, the purposes of this Act would be advanced by a deviation from the Zoning Ordinance (Chapter 96) requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to Article 8 of this Act; provided, however, that the fact that a proposed use is an inherently beneficial use shall not be dispositive of a decision on a variance under this subsection, and provided that no variance from those departures enumerated in Subsection 96A-7B(2)(d) of this section shall be granted under this subsection, and provided, further, that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use, in

conjunction with which the Planning Board has power to review a request for a variance pursuant to subsection 96A-19.

- 3) A variance under this subsection shall be granted by affirmative vote of the majority of the Board members in attendance at the hearing. A tie vote shall be ruled as a denial of the variance request. Board members who are absent from the hearing can subsequently vote on the application at a future meeting provided they affirm that they have listened to the tape recording or read the transcript of the previous hearing.
- d) Variance to allow departure from certain regulations.
 - 1) In particular cases for special reasons, grant a variance to allow departure from regulations pursuant to subsection 96A-18 of this Act 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 pursuant to Section 54 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-67) 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 in 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 minimum height permitted in the district for a principal structure.
 - 2) A variance under this subsection shall be granted only by affirmative vote of at least five members, of the Board of Adjustment. The applicant may defer the vote on any application if a full Board is not in attendance.
- e) If an application for development requests one or more variances but not a variance for a purpose enumerated in Subsection 96A-7B(d) above in this section, the decision on the requested variance or variances shall be rendered under Subsection 96A-7B(2)(c) of this section.
- f) No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and

Zoning Ordinance. In respect to any airport safety zones delineated under the Air Safety and Zoning Act of 1983, P.L. 1983, c. 260 (N.J.S.A. 6:1-80 et seq.), no variance or other relief may be granted under the terms of this section permitting the creation or establishment of a nonconforming use which would be prohibited under standards promulgated pursuant to that act except upon issuance of a permit by the Commissioner of Transportation. An application under this section may be referred to any appropriate person or agency for its report, provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

C. Appeals and applications.

- 1) Appeals to the Board of Adjustment may be taken by any interested party within 20 days of the action by the officer from whom the appeal is taken. Three copies of the notice shall be filed with the Secretary of the Board of Adjustment, specifying the grounds for the appeal. The officer from whom the appeal is taken shall transmit to the Board all the papers constituting the record.
- 2) Applications to the Board of Adjustment without prior application to an administrative officer shall be filed with the Secretary of the Zoning Board of Adjustment. Three copies of the application shall be filed along with all plot plans, maps or other papers required by this chapter or rule of the Board of Adjustment.
- 3) An appeal stays all proceedings unless the officer from whom the appeal is taken certifies to the Board of Adjustment that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by the Superior Court of New Jersey on application or notice to the officer from whom the appeal is taken and on due cause shown.
- 4) Any application may be referred to any person or agency for its report, provided such reference shall not extend the period of time within which the Board of Adjustment shall act.

D. Power to reverse or modify decisions. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made and, to that end, have all the powers of the administrative officer from whom the appeal was taken.

E. Time for decision. Unless a longer period is consented to by the applicant, the Board of Adjustment shall render its decision not later than 120 days after the date an appeal is taken from the decision of an administrative officer or no later than 120 days after the submission of a complete application for development without prior applications to an administrative officer. If the developer elects to submit separate consecutive applications for a use variance followed

by other subdivision, site plan or conditional use approvals, the aforesaid provision shall apply to the application for approval of the use variance. The period for granting or denying any subsequent approval(s) shall be as otherwise provided in this chapter. Failure of the Board to render a decision within the period prescribed or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

- F. Expiration of a variance. In the granting of hardship and use variances, a time limit of one year from the date of the variance approval shall be set, within which time the owner shall secure a building permit; otherwise, the variance granted shall be null and void. The approving authority may, for good cause shown, extend the period for securing a building permit for an additional period not exceeding one year..

§ 96A-8 Planning Board.

- A. There is hereby established pursuant to P.L. 1975, c. 291, in the Village of Ridgefield Park, a Planning Board of nine members consisting of the following four classes:
- 1) Class I: the Mayor.
 - 2) Class II: one of the officials of the municipality other than a member of the governing body, to be appointed by the Mayor, provided that, if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be deemed to be the Class II Planning Board member if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV or alternate members of the Planning Board.
 - 3) Class III: a member of the governing body, to be appointed by the governing body.
 - 4) Class IV: six other citizens of the municipality to be appointed as alternates, all such appointments to be made by the Mayor. The members of Class IV shall hold no other municipal office, except that one regular member may be a member of the Zoning Board of Adjustment and one may be a member of the Board of Education. A member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be a Class IV Planning Board member unless there be among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be the Class II member of the Planning Board.
- B. Terms.
- 1) The term of the member composing Class I shall correspond with his official tenure. The terms of the members composing Class II and Class III 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. The term of a Class II or a 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 comes first. The term of a Class IV member who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever comes first. The terms of all Class IV members first appointed pursuant to this chapter shall be so determined that to the greatest practicable extent the expiration of such terms shall be evenly distributed over the first four years after their appointment as determined by resolution of the governing body; provided, however, that no term of any member shall exceed four years, and further provided that nothing herein shall affect the terms of any present members of the Planning Board, all of whom shall continue in office until the completion of the term for which they were appointed. Thereafter, all Class IV members shall be appointed for terms of four years except as otherwise herein provided. All terms shall run from January 1 of the year in which the appointment was made.

2) Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two years, except that 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. A vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term only. No alternate member shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. 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.

C. Vacancies. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term.

D. Powers and duties. The Planning Board shall exercise the following powers and duties:

- 1) To make, adopt and amend a Master Plan for the physical development of the municipality pursuant to the provisions of N.J.S.A. 40:55D-28.
- 2) To administer the provisions of the subdivision and site plan regulations of this chapter.
- 3) To approve conditional use applications as authorized by state statute.

4) To participate in the preparation and review of programs or plans required by state or federal law or regulations.

5) To assemble data on a continuing basis as part of a continuous planning process.

6) To consider and report to the governing body within 35 days after referral of any proposed development regulations submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26a and to pass upon other matters referred to it by the governing body pursuant to the provisions of N.J.S.A. 40:55-26b.

7) In reviewing applications for approval of subdivision plats, site plans or conditional uses, to:

a) Grant variances pursuant to N.J.S.A. 40:55D-60 and 40:55D-70c for lot area, lot dimensional, setback and yard requirements to the same extent and subject to the same restrictions as the Board of Adjustment.

b) Direct the issuance of a permit for a building or structure either not related to a street (N.J.S.A. 40:55D-36) or in the bed of a mapped street or public drainageway, flood control basin or public area reserved on the Official Map (N.J.S.A. 40:55D-32).

c) Whenever relief is requested pursuant to this subsection, notice of the hearing on the application for development shall include reference to the application for a variance.

8) To perform such other advisory duties as are assigned to it by ordinance or resolution for the aid and assistance of the governing body or other municipal agencies or officers.

9) To review and make recommendations on such matters as the location, character or extent of capital projects, in accordance with N.J.S.A. 40:55D-31, to the governing body or other public agency having jurisdiction of capital projects necessitating the expenditure of public funds.

E. Applications. Applications to the Planning Board shall conform to the appropriate provisions of this chapter.

F. Referrals. In reviewing plats or any other matters referred to it, the Board may submit the data to any agency or individual for review and comment.

§ 96A-9 Provisions applicable to both Board of Adjustment and Planning Board.

A. Organization of Board. The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV. The Board of Adjustment shall elect a Chairman and Vice Chairman

from its membership. Both Boards shall select a Secretary and Assistant Secretary, who may or may not be a member of the Board or a municipal employee.

- B. Attorney. There is hereby created the office of Planning Board Attorney and the office of Attorney to the Board of Adjustment Each Board may annually appoint, fix the compensation of or agree upon the rate of compensation of their respective Board Attorney, who shall be an attorney other than the Municipal Attorney.
- C. Experts and staff. Both Boards may employ or contract for the services of experts and other staff and services as they may deem necessary. Neither Board shall authorize expenditures which exceed, exclusive of the gifts or grants, an amount appropriated by the governing body for its use. Payment to experts shall be in accordance with § 13 of P.L. 1991, c. 256 (N.J.S.A. 40:55D-53.2), as amended on September 17, 1995.
- D. Rules and regulations. Each Board shall adopt such rules and regulations as are necessary to carry out its duties.
- E. Conflicts of interest. No member shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any member shall disqualify himself, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.
- F. Meetings.
 - 1) Meetings shall be scheduled no less often than once a month, and any meeting shall be held as scheduled unless canceled for lack of applications for development to process.
 - 2) Special meetings may be called by the Chairman or on the request of any two Board members, provided there is notice to the members and public in accordance with all applicable legal requirements.
 - 3) No action shall be taken at any meeting without a quorum being present. All actions shall be by majority vote of the members of the Board present at the meeting except where a specified portion of the full authorized membership is required: N.J.S.A. 40:55D-9, 40:55D-26, 40:55D-34 and 40:55D-70d.
 - 4) All meetings shall be open to the public. Notice of meetings shall be given in accordance with the Open Public Meetings Law, Chapter 231, Laws of New Jersey 1975 (N.J.S.A. 10:4-6 et seq.).
- G. Minutes. Minutes of regular and special meetings shall be kept and shall include the names of persons appearing and addressing the Board and of persons appearing by attorney; the action

taken; the findings, if any, and reasons therefor. The minutes shall be made available for public inspection during normal business hours at the office of the Village Clerk. Any interested party shall have the right to compel production of the minutes and be charged a fee for their reproduction.

H. Hearing.

1) Rules. Both Boards may make rules governing the conduct of hearings. The rules shall be consistent with N.J.S.A. 40:55D-1 et seq. and this chapter. The approving authority may waive the required notices and hearing for minor and exempt subdivisions and minor and exempt site plans except where a variance or conditional use is part of the application.

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

3) Testimony. The testimony of all witnesses shall be taken under oath or affirmation by the presiding officer, and 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.

4) Evidence. Technical rules of evidence shall not be applicable but irrelevant, immaterial or unduly repetitious evidence may be excluded.

5) Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. Each Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense. The charge for a copy of the transcript shall not be more than the maximum permitted in N.J.S.A. 2A:11-15, and the transcript shall be certified in writing by the transcriber to be accurate.

6) Certified court reporter. If an applicant desires a certified court reporter, the cost of taking testimony and transcribing it and providing a copy of the transcript to the approving authority shall be at the expense of the applicant, who shall also arrange for the reporter's attendance.

7) When any hearing before either Board shall carry to two or more meetings, a member of the Board who was absent for one or more of the meetings 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 Board member has available to him the transcript or recording of all the hearing from which he was absent and certifies in writing to the Board that he has read such transcript or listened to such recording.

8) All corporations filing an application before the Planning Board shall, at the public hearing, be represented by an attorney licensed to practice law in New Jersey or have all the principals and officers of the corporation present at the meeting. All corporations appearing before the Board of Adjustment shall be represented by an attorney licensed to practice law in New Jersey, or officers and partners of the corporation or partnership shall produce documentation of authorization for them to act for said corporation or partnership.

9) F. Each decision on any application shall be reduced to writing as specified in N.J.S.A. 40:55D-10g and shall include findings of facts and conclusions based thereon. Failure of a motion to approve an application for development to receive the number of votes required for approval shall be deemed an action denying the application, and a resolution of memorialization shall be adopted to that effect in accordance with N.J.S.A. 40:55D-10g. Adoption of a resolution of memorialization shall not alter the time period required for rendering a decision, shall be adopted by a majority of the members of the approving authority who voted for the action on the application and no other member, and shall be deemed a memorialization of an action taken and not to be an action of the approving authority. Failure to adopt such a resolution of memorialization within 45 days of rendering a decision on an application shall result in the approval of the application.

10) A copy of the decision shall be mailed by the approving authority within 10 days of the date of the decision to the applicant, or if represented by an attorney, then to the attorney, and a copy shall also be filed in the office of the Administrative Officer. A brief notice of the decision shall also be published, which shall be arranged by the Administrative Officer. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision.

I. Payment of taxes. Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, every application for development submitted to the Planning Board or to the Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or diligent on the property which is the subject of any such application, or, if it is shown that taxes or assessments are delinquent on the property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the Village will be adequately protected.

§ 96A-10 Planning Board review of applications for use variances.

Any appeal for a variance to allow a structure or use in a district restricted against such structure or use shall have one copy forwarded to the Planning Board by the Administrative Officer, together with a notice of the hearing date. The Planning Board shall review the material and may make recommendations at the public hearing. The Planning Board's recommendations may contain, among other things, its opinion as to the compatibility of the proposal to the Master Plan; applications which may have been or are currently being processed by the Planning Board for similar uses elsewhere in the Village; land use, traffic and other data considered by the Planning Board to be relevant to the application; and what conditions, if any, it would recommend be imposed on the applicant to improve compatibility with the Master Plan and Zoning Ordinance should the Board of Adjustment grant the variance.

ARTICLE IV

§ 96A-11 Public hearings; notices.

The approving authority shall hold a public hearing on each application for development, except that the approving authority may waive the required notices and hearing for minor and exempt subdivisions and site plans unless a variance or conditional use is part of the application. All public hearings conducted on subdivisions, site plans or variances before either the Board of Adjustment or Planning Board shall follow the requirements of the Municipal Land Use Law as summarized below (N.J.S.A. 40:55D-10, 40:55D-11 and 40:55D-12):

- A. Any maps and documents submitted for approval shall be on file and available for public inspection at least 10 days before the hearing date during normal business hours in the office of the Administrative Officer. The applicant may produce other documents, records, amended maps, or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.
- B. All notices shall state the date, time and place of the hearing, the nature of the matters to be considered and an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers, and the location and time(s) at which any maps and documents are available for public inspection.
- C. All hearing notices shall be the responsibility of the applicant and shall be given at least 10 days prior to the hearing date in accordance with the following:
 - 1) Public notice shall be given by publication in the official newspaper of the Village, if there be one, or in a newspaper of general circulation in the municipality.
 - 2) Notice shall be given to the owners of all real property, as shown on the current tax duplicate, located in the state and within 200 feet in all directions of the property which is

the subject of such hearing, provided that this requirement shall be deemed satisfied by notice to a condominium association in the case of any unit owner whose unit has a unit above or below it, or to a horizontal property regime in the case of any co-owner whose apartment has an apartment above or below it. This notice shall be given by either serving a copy thereof on the property owner as shown on the 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 the current tax duplicate.

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

4) Where a public hearing is required by this section, a 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.

5) Where a public hearing is required by this section, a notice shall be given by personal service or certified mail to:

- a) The County Planning Board, where the hearing concerns a 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.
- b) The Commissioner of Transportation, where the hearing concerns a property adjacent to a state highway.
- c) The Director of the Division of State and Regional Planning, where the hearing concerns a property which exceeds 150 acres or exceeds 500 dwelling units, and the notice to the Director shall include a copy of any maps or documents required to be on file with the Administrative Officer.

D. The applicant shall file an affidavit of proof of service with the municipal agency holding the hearing. Any notice made by certified mail shall be deemed complete upon mailing.

E. Public notice of a hearing.

Public notice of a hearing shall be given for the following applications for development:

- (1) Any request for a variance.

- (2) Any request for conditional use approval.
- (3) Any request for the issuance of a permit to build within the bed of a mapped street or public drainageway or on a lot not abutting a street.
- (4) Any request for minor subdivision approval involving one or more of the aforesaid elements.
- (5) Any request for preliminary subdivision or site plan.
- (6) Any request for an appeal to the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70a where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of Chapter 500, Zoning.
- (7) Any request for an interpretation pursuant to N.J.S.A. 40:55D-70b of the Zoning Map or for decisions upon other special questions upon which the Zoning Board of Adjustment is authorized to pass by any zoning or official map ordinance.
- (8) Any request to the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-68 for the certification that a use or structure existed before the adoption of the Land Development Ordinance which rendered the use or structure nonconforming.

F. In addition to the foregoing notice requirements as set forth above, the applicant shall place a sign as hereinafter described on the property subject to the application, thereby giving additional notice of the application.

1) The sign to be placed on the property shall be fabricated by the Village and shall read as follows: "This property is subject to a development application before the [Planning Board or Board of Adjustment, as appropriate]. Please contact the Board Secretary at [insert appropriate phone number] for further information regarding this proposed project." Failure to prepare such sign shall not affect the public hearing or time of decision requirements.

2) The applicant shall be responsible for placement of the sign and certification to the Board of the fact that the sign was placed on the subject property.

3) The sign shall be placed on the subject property no more than two weeks nor less than 10 days prior to the hearing and shall remain on the property until the completion of the hearing and final vote upon the application.

4) The sign shall measure 24 inches by 36 inches with a white background and black lettering.

5) Neither the Planning Board nor the Board of Adjustment shall entertain a hearing unless the applicant has certified that the sign was placed on the subject property and remained on the subject property in accordance with this section.

6) Nothing herein contained shall affect or dispense with any other notice requirements mandated by the Municipal Land Use Law, but shall be merely supplementary thereto.

7) The sign shall be placed by the applicant in a prominent position as close to the sidewalk or street on which the property has frontage so as to be readable from the sidewalk or street.

ARTICLE V

§ 96A-12 Development Review Procedures and Plat Details.

Conditional approval. The applicant shall comply with reasonable conditions laid down by the approving authority for the use of land, site design, building layout and consistency with the Master Plan of the Village. Where County Planning Board review or approval is required on a subdivision or site plan, the approving authority shall condition any approval it grants upon either timely receipt of a favorable report by the County Planning Board or approval from the County Planning Board due to its failure to submit a report within the required time period. If the County's report is timely and negative or attaches mandatory conditions, the original action by the municipal approving authority shall be void and the application shall be denied and a new resolution shall be adopted which considers the County Planning Board's report.

§ 96A-13 Checklist for applications.

To assist the applicant in completing initial applications, a copy of the following checklist, attached to this chapter as Attachment I, for required submissions on applications to the Planning Board or the Zoning Board of Adjustment shall be given to each applicant. This checklist may be revised by the Board of Commissioners by ordinance upon the recommendation of the Planning Board or Board of Adjustment which recommendation shall be in resolution forms.

§ 96A-14 Exceptions.

The approving authority, when acting upon applications for preliminary or minor subdivision approval and preliminary site plan approval, shall have the power to grant such exceptions from the design and performance standards in Article VI of this chapter as may be reasonable and within the general purpose and intent of the provisions for subdivision/site plan review and approval if the literal enforcement of one or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. The approving authority must also find that the proposed site plan or subdivision plan meets the intent and purpose of Chapters 96 and 96A, notwithstanding the requested exception.

§ 96A-15 Exemptions from subdivision regulations.

The approving authority may waive required notices and hearings for minor and exempt subdivisions except where a variance or conditional use is part of the application. Divisions of land not considered a subdivision as defined in this chapter shall be exempt from compliance with the requirements of this chapter only after affirmative action by the approving authority. Such action shall be taken following submission of documentation to the approving authority showing the division of land for agricultural purposes where all resulting parcels are five acres or larger in size; divisions by testamentary or intestate provisions; divisions of property by court order; and conveyances so as to combine existing lots by deed or other instrument, as the case may be. Until exempted from the subdivision regulations by the approval authority, no person can transfer, sell or agree to transfer or sell, as owner or agent, any land which forms a part of a subdivision for which approval is required.

§ 96A-16 Simultaneous review.

The approving authority shall have the power to act upon subdivisions, conditional uses, use variances or site plans simultaneously without the developer making further application or the approving authority holding further hearings. The longest time period for action by the approving authority, whether it be for subdivision, conditional use, use variances or site plan approval, shall apply. Whenever approval of a conditional use or site plan approval is requested by the developer in conjunction with a site plan or subdivision, notice of the hearing on the plat shall include reference to the request for such conditional use. (See § 96A-19, Conditional uses.)

§ 96A-17 Site plan approval required.

A site plan approval is required for all development other than single and two family development which require the submission of a plan or plat but not a site plan application.

§ 96A-18 Use variance applications.

All use variance applications shall be accompanied by plats plus other supporting documents as required for subdivision and site plan approval.

§ 96A-19 Conditional uses.

A. Before any permit shall be issued for a conditional use, application shall be made to the Planning Board as the approving authority, which shall grant or deny the application after public hearing within 95 days of submission of a complete application to the Administrative Officer or within such further time as may be consented to by the applicant. A site plan shall also be submitted with all conditional use applications.

B. Notice of the hearing shall include reference to all matters being heard, including site plan and/or subdivision, and the approving authority shall review and approve or deny the subdivision or site plan simultaneously with the conditional use application. Failure of the approving authority to act within the required time period shall constitute approval of the application.

C. In reviewing the application, the approving authority shall review the specific conditions associated with each conditional use as detailed in Chapter 96, Article VII, as well as the requirements of Chapter 96 in general. The approving authority shall consider the specific conditions and the requirements set forth in this chapter and shall give due consideration to elements which would affect the public health, welfare, safety, comfort and convenience, such as but not limited to the proposed use(s), the character of the area, vehicular travel patterns and access, pedestrian ways, landscaping, lighting, signs, drainage, sewage treatment, potable water supply, utilities and structural location(s) and orientation(s).

D. Each conditional use shall be considered as an individual case. In all requests for approval of conditional uses, the burden of proof shall be on the applicant even though a conditional use shall be a permitted use in the district in which it is located. Conditional uses shall require site plan approval. Prior to making its decision, the approval authority shall be satisfied the conditional use is reasonably necessary for the convenience of the public in the location proposed.

E. In approving a conditional use, a time limit of one year from the date of the approval shall be set, within which time the owner shall secure a building permit; otherwise, the approval shall be null and void. The approving authority may, for good cause shown, extend the period for securing a building permit for an additional period not exceeding one year.

§ 96A-20 Submission of informal plat for minor and major developments.

A. An informal review of a concept plan is optional. 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. The purpose will be to review concepts to assist the applicant in the preparation of subsequent plans. Other than classification, no decisions will be made, no hearings held and no formal action taken. Neither the developer nor the Planning Board shall be bound by this informal review.

B. Filing procedure. The developer shall file with the Administrative Officer at least 15 days prior to the meeting of the approving authority 12 black-and-white copies of the informal plat and 12 completed copies of the application form.

C. Action by the approving authority.

1) The approving authority shall classify the application as a minor or major development within 45 days of the date of submission or such further time as may be consented to by the applicant. If classified as a minor or exempt subdivision or a minor or exempt site plan, no public hearing need be required except if a variance or conditional use is part of the application. If the approving authority requires any changes prior to resubmitting the plat as a preliminary or final plat, such changes and/or conditions shall be in writing and shall be sent to the applicant.

- 3) If the approving authority determines the development may directly or indirectly create an adverse effect on either the property being developed or nearby property, the approving authority may require the developer to revise the plat. Where any remaining portion of the original tract is sufficient to be developed or subdivided further, the developer may be required to submit a plat of the remaining portion to indicate a feasible plan whereby the proposed development, together with subsequent development, will not create, impose, aggravate or lead to any such adverse effect(s).

§ 96A-21 Submission of preliminary plat for development.

Preliminary plats are required for all site plans and major subdivisions.

A. Filing procedure.

- 1) The developer shall submit to the Administrative Officer at least 10 days prior to the public meeting of the approving authority 12 black-on-white copies of the preliminary plat; three completed copies of the application form for preliminary approval; two copies of any protective covenants, deed restrictions and easements applying to the land being developed; two copies of the drainage calculations and soil erosion and sediment control data as required in Article VI (§§ 96A-29 and 48) of this chapter; the applicable fee; and certification by the Tax Collector that all taxes are paid to date. A digital file shall also be submitted containing all plans, sketches, drawings and reports submitted with the application. A digital file shall also be submitted containing all plans, sketches, drawings and reports submitted with the application.

- 2) A corporation or partnership applying 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 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. If a corporation or partnership owns ten-percent or greater interest in a partnership subject to the above disclosure, that corporation or partnership shall list the names and addresses of its stockholders holding 10% or more of its stock or ten-percent or 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 ten-percent ownership criterion established in this chapter have been listed. No Planning Board, Board of Adjustment or municipal governing body shall approve the application of any corporation or partnership which does not comply with this requirement of N.J.S.A. 40:55D-48.1. The penalty for concealment by a corporation or partnership shall be as outlined in N.J.S.A. 40:55D-48.1.

3) The application shall include a complete environmental impact report (§ 96A-31) or a written request for a waiver of any or all of its requirements. If a waiver is requested, the approving agency shall either approve, approve in part or disapprove the request at the first regular meeting at which the application is heard. The applicant shall provide any required data within 15 days or at least 15 days prior to the date the approving authority is required to act, whichever comes first.

B. Action by the approving authority.

1) The approving authority shall accept or reject the submission as a complete application and, if rejected, notify the applicant in writing of the deficiencies within 45 days of submission.

2) Public hearing. If accepted as an application, a public hearing date shall be set and notice given.

3) Upon submission of a plat, the Administrative Officer shall submit one copy of the plat and supporting data to the County Planning Board, Municipal Engineer, Environmental Commission and any other agency or person as directed by the approving authority for review and action. Each shall have not more than 30 days from receipt of the plat to report to the approving authority. In the event of disapproval, such report shall state the reasons therefor. If any agency or person fails to submit a report within 30 days, the plat shall be deemed to have been approved by it or him. Upon mutual agreement between the County Planning Board and the approving authority, with approval of the developer, the thirty-day period for a County Planning Board report may be extended for an additional 30 days, and any extension shall so extend the time within which the approving authority is required to act.

4) A subdivision of 10 or fewer lots shall be granted or denied within 45 days of the date of a complete submission or within such further time as may be consented to by the developer. With more than 10 lots, the approving authority shall grant or deny preliminary approval within 95 days of the date of a complete submission or within such further time as may be consented to by the developer. Otherwise, the approving authority shall be deemed to have granted preliminary approval to the subdivision.

5) The approving authority shall grant or deny preliminary site plan approval within the following time periods unless some further time has been consented to by the developer

a) A site plan which involves 10 acres or less and 10 dwelling units or less: within 45 days of the date of a complete submission.

b) A site plan which involves more than 10 acres or more than 10 dwelling units: within 95 days of a complete submission.

6) If the approving authority required any substantial amendment in the layout of improvements in either a site plan or subdivision and that plan had been the subject of a hearing, an amended application shall be submitted and proceeded upon as in the case of the original application for development. The approving authority shall, if the proposed development complies with this chapter, grant preliminary approval.

7) The approving authority may approve, disapprove or approve with conditions the application, including action on the environmental impact report. The decision shall be in writing and shall be sent to the applicant and the newspaper as required by Article IV § 96A-11 of this chapter, Public hearings; notices. If the approving authority grants preliminary approval, its Chairman and Secretary (or the Vice Chairman or Assistant Secretary in their absence, respectively) and Municipal Engineer shall sign each page of the plat, indicating the approval. If the plat is conditionally approved, it shall not be signed until all conditions are corrected on the plat. If the corrections are not completed within 90 days of the conditional approval, the conditional approval shall lapse.

8) Preliminary approval shall, except as provided in Subsection 96A-21B(9) below, confer upon the applicant the following rights for a three-year period from the date of the preliminary approval; otherwise the approval shall be void:

a) 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; any requirements peculiar to site plan approval; 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.

b) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary plat.

c) That the applicant may apply for and the approving authority may grant extensions on 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.

9) In the case of a development for an area of 50 acres or more, the approving authority may grant the rights referred to in Subsection 96A-21B(8)(a), (b) and (c) above for such period of time longer than three years as shall be determined by the approving authority to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, the potential number of dwelling units and nonresidential floor area of the section(s) 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.

§ 96A-22 Submission of final plat for minor and major developments.

A. Filing procedure.

1) The developer shall file with the Administrative Officer at least 10 days prior to the meeting of the approving authority the original tracing; one translucent tracing copy; two cloth and 12 black-on-white paper prints of the plat and three complete copies of the application form; two copies of the performance guaranty approved by the governing body, including off-tract improvements, if any; any maintenance guaranties; the applicable fee; certification by the Tax Collector that all taxes are paid to date; and certification by the Soil Conservation District pursuant to the Soil Erosion and Sediment Control Act Chapter 251 of the Laws of 1975.

2) Where utility services are to be extended to the development, the final plat shall be accompanied by letters directed to the Chairman of the approving authority and signed by a responsible officer of the water company, sewer authority and utility which provides gas, telephone and electricity that has jurisdiction in the area. Such letters shall approve each proposed utility installation design and state who will construct the facility.

3) The final plat shall be accompanied by a statement by the Municipal Engineer that he is in receipt of a map showing all utilities and other improvements (both in the development and off-tract improvements) in exact location and elevation; that he has examined the street, drainage, erosion, stormwater control and excavation plans and found that the interests of the Village and of nearby properties are fully protected, and identifying those portions of any improvements already installed; and that the developer has either:

- a) Installed all improvements in accordance with the requirements of this chapter and the preliminary plat approval, with a maintenance guaranty accompanying the final plat (see § 96A-49 of this chapter); or
- b) Posted a performance guaranty that has been approved by the governing body.

B. Action by the approving authority.

1) The approving authority shall grant final approval if the application conforms to this chapter, the conditions of previous reviews and the standards prescribed by the Map Filing Law, N.J.S.A. 46:23-9.9 et seq. In the case of a minor or exempt subdivision or site plan where there has been no previous submission of an informal or preliminary plat, the approving authority may waive the required notices and hearing except where a variance or conditional use is part of the application. In the case of a planned development, the approving authority may permit minimal deviations from the conditions of preliminary

plat approval necessitated by change of conditions beyond the control of the developer since the date of the preliminary approval. Minimal deviations shall not require the developer to submit another application for preliminary approval.

2) Final approval shall be granted or denied within 45 days after submission of a complete application to the Administrative Officer or within such further time as may be consented to by the applicant. An approved final plat shall be signed by the Chairman and Secretary of the approving authority (or the Vice Chairman or Assistant Secretary in their absence, respectively). Failure of the approving authority to act within the period prescribed shall constitute final approval, and a certificate of the Administrative Officer as to the failure of the approving authority to act shall be issued on request of the applicant. Such certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

3) Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3 or 40:27-6.6, the approving authority shall condition any approval that it grants upon timely receipt of a favorable report from the County Planning Board or upon its failure to submit a report within the required time period.

4) Final approval of a minor subdivision shall expire 190 days from the date of municipal approval unless a plat in conformity with such approval, including any conditions imposed by the approval, and in conformity with the provisions of the Map Filing Law (N.J.S.A. 46:23-9.9 et seq.), or a deed clearly describing the approved minor subdivision, is filed by the developer with the county recording officer, the Municipal Engineer and the Village Tax Assessor. Such plat or deed accepted for such filing shall have been signed by the Chairman and Secretary of the approving authority (or the Vice Chairman or Assistant Secretary in their absence, respectively). In reviewing the application for development for a proposed minor subdivision, the approving authority may accept a plat not in conformity with the Map Filing Law, provided that, if the developer chooses to file the minor subdivision by plat rather than deed, such plat shall conform to the provisions of said law.

5) 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 approving authority may, for good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat. No subdivision plat shall be accepted for filing by the county recording officer until it has been approved by the approving authority as indicated on the instrument by the signatures of the Chairman and Secretary of the approving authority (or the Vice Chairman or Assistant Secretary in their absence, respectively) or a certificate

has been issued as to the failure of the approving authority to act within the required time. The signatures of the Chairman and Secretary shall not be affixed until the developer has posted the required guaranties. If the county recording officer records any plat without such approval, such recording shall be deemed null and void, and upon request of the municipality, the plat shall be expunged from the official records. It shall be the duty of the county recording officer to notify the Planning Board in writing within seven days of the filing of any plat, identifying such instrument by its title, date of filing and official number.

6) Provided the approved final subdivision plat has been filed with the county recording officer, the zoning requirements applicable to the preliminary approval first granted to a site plan or a major subdivision and all other rights conferred upon the developer pursuant to the Municipal Land Use Law, whether conditionally or otherwise, shall not be changed for a period of two years after the date of final approval. If the developer has followed the standards prescribed for final approval, the approving authority may extend such period of protection for extensions of one year but not to exceed three extensions. Upon granting of final approval, the rights conferred upon the applicant by the granting of preliminary approval shall be terminated upon final approval.

7) Provided the approved final plat of a minor subdivision has been filed with the county recording officer, 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 of minor subdivision approval.

8) In the case of a subdivision or site plan for a planned development of 50 acres or more or a conventional subdivision or site plan of 150 acres or more, the approving authority may grant the rights referred to in Subsection §96A-22B(6) and (7) above for such period of time longer than two years as shall be determined by the approving authority 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, and the approving authority may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the approving authority 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 the comprehensiveness of the development.

9) The developer shall supply sufficient copies of the approved final plat so that the Administrative Officer can distribute one copy to each of the following: Village Clerk, Construction Official, County Planning Board, Tax Assessor and Planning Board and any

other agency or person directed by the approving authority and shall supply one translucent cloth or Mylar copy to the Municipal Engineer.

§ 96A-23 Plat design standards for subdivisions.

A. Plat conformity. All applications shall be submitted in plat form, and all plats shall conform to the submission requirements. All plats shall be drawn by a land surveyor, and all drawings of improvements shall be prepared by a professional engineer, and all such drawings shall bear the signature, embossed seal, license number and address of the preparer.

B. Informal subdivision plat for review and classification. An informal subdivision plat shall meet the following requirements and contain the following information:

- 1) Clearly and legibly drawn.
- 2) Graphic scale of not less than one-inch equals 100 feet.
- 3) Existing and proposed street and lot layout, with dimensions, showing that portion proposed for development in relation to the entire tract.
- 4) Existing lot lines to be eliminated.
- 5) Area of original tract and each proposed lot.
- 6) Basic intent for water and sewage treatment.
- 7) Contours based on United States Geodetic Survey data.
- 8) Existing structures and uses.
- 9) All setback lines as well as the shortest distances between buildings and proposed or existing lot lines.
- 10) All rivers and drainage rights-of-way, including the direction of flow; the location of all drainage structures; and the approximate location of wooded areas, flood hazard areas and floodway lines, steep slopes, wetlands and swamps. Soil logs are not required. However, where the slope and soil conditions indicate problems may be encountered, soil logs as required for the preliminary plat may be advisable.
- 11) Existing and proposed rights-of-way and easements within the adjoining the tract, with sight triangles shown. Proposed access points and parking areas shall be included on site plans.
- 12) The Tax Map sheet, block and lot number for the tract and all adjacent lots; a title, including the words: "Informal Plat for Review and Classification"; North arrow; space for the application number; the date of the original drawing and the date and substance of each revision.
- 13) Zoning district(s) and a zoning table showing compliance with the zone criteria.
- 14) The name, address, signature and phone number of the owner, developer and person preparing the plat.
- 15) A key map with North arrow showing the entire development and its relation to surrounding areas.

C. Preliminary subdivision plat. A preliminary subdivision plat shall meet the following requirements and contain the following information:

- 1) Clearly and legibly drawn.
- 2) Graphic scale of not less than one inch equals 100 feet.
- 3) Based on certified boundary survey.
- 4) Sheet sizes of 30 inches by 42 inches, 24 inches by 36 inches, 15 inches by 21 inches, or 8 1/2 inches by 13 inches. If more than one sheet is required to show the entire subdivision, one composite map shall show the entire subdivision with reference to the sheets on which the various sections are shown.
- 5) Key map with North arrow showing the entire subdivision in relation to surrounding areas, including the names of principal roads, and at a scale of not less than one inch equals 2,000 feet.
- 6) Title block with the name of the subdivision; the name of the municipality; Tax Map sheet, block and lot number; date of preparation and most recent revision; meridian; North arrow; graphic scale; the names, addresses, phone numbers and signatures of the owner, developer and person(s) who prepared the plat(s), including the seal of the latter; and space for the application number.
- 7) The names of all property owners within 200 feet of the limits of the development as disclosed on the most recent municipal tax records.
- 8) Tract acreage to nearest 1/1,000 of an acre; the number of new lots; each lot line dimension scaled to the nearest foot; and each lot area to the nearest square foot.
- 9) Existing and proposed contours at two-foot intervals for areas with less than a ten-percent slope, at five-foot intervals for areas with slopes in excess of 10%. For tracts containing slopes in more than one category, the developer shall show every ten-foot contour with a wider line. In instances where there is more than one slope category or where there is a flat surface, the approving authority may allow some other satisfactory contour intervals and/or additional topographic data to meet the objectives of this section. All elevations shall be related to a benchmark noted on the plan and be based on United States Geodetic Control Survey, mean sea level datum.
- 10) Location of existing natural features such as soil types, slopes exceeding 10%, wooded areas, rock outcroppings, views within the development and the location of individual trees outside wooded areas having a diameter of six inches or more as measured five feet above ground level.
- 11) Plans and computations for any storm drainage systems, including existing or proposed storm sewer lines within or adjacent to the development and all required off-site and off-tract drainage improvements, showing size, profile and slope of the lines, direction of flow and the location of each drainage inlet, manhole, culvert and headwall.
- 12) Plans, cross sections, center-line profiles, tentative grades and details of proposed and existing utilities and all improvements within street rights-of-way in the tract, including the

type and width of street pavement, curbs, sidewalks, bike routes, shade tree planting, all utilities, including water, sewer, gas, electric, telephone and cable television, and facilities such as storm drainage facilities, detention ponds and erosion control. At intersections, the sight triangles, radii of curb lines, crosswalks, curb ramps and street sign locations shall be shown. Final street naming may be deferred.

13) The names, locations, widths and purpose(s) of existing and proposed easements, streets and other rights-of-way in the development. The text of any deed restriction shall be included.

14) The locations and description of all monuments, existing and proposed.

15) All lot lines that exist and will remain, those proposed and those to be eliminated. All setback lines with dimensions and municipal boundaries, if within 200 feet, shall be shown. Any lot(s) to be reserved or dedicated to public use shall be identified. Each block shall be numbered, and the lots within each block shall be numbered as assigned by the Village Tax Assessor.

16) Locations of all existing structures and their use(s) in the tract and within 200 feet, showing existing and proposed front, rear and side yard setbacks, structures of historic significance and an indication of existing structures and uses to be retained and those to be removed.

17) Utility plans shall show feasible connections to existing or proposed utility systems, with a letter from the serving company stating that service will be available before occupancy of any proposed structures.

18) Zoning district(s) and zoning district lines and a zoning table showing compliance with the zone criteria.

19) An itemization of all improvements to be made on-site, off-site, on-tract and off-tract in accordance with the standards specified in Article VI.

D. Final subdivision plat. A final subdivision plat shall meet the following requirements and contain the following information:

1) Clearly and legibly drawn.

2) Graphic scale of not less than one-inch equals 100 feet unless a larger scale is approved by the Municipal Engineer that is large enough to contain legibly written data on dimensions, bearings and all other details of the boundaries.

3) Drawn by a licensed land surveyor in compliance with the Map Filing Law (N.J.S.A. 46:23-9.9 et seq.).

4) Sheet sizes of 30 inches by 42 inches, 24 inches by 36 inches, 15 inches by 21 inches or 8 1/2 inches by 13 inches. If more than one sheet is required to show the entire subdivision, a separate composite map shall be drawn showing the entire subdivision on one sheet and the sheets on which the various sections are shown.

5) The submission for final plat approval shall show the following, except that the plat to be filed with the county recording officer need only contain the data required for filing with the county and all other data may be submitted on separate sheets:

- a) Signature blocks for the approving authority, Municipal Engineer and other endorsements required by law.
- b) Tract boundary lines: municipal boundary line if within 200 feet of the tract being subdivided; street names; all lot lines and other site lines with accurate dimensions, bearing or deflection angles and radii, arcs and chord bearings, with the distances of all curves, all based on an actual survey by a land surveyor licensed to practice in the State of New Jersey; minimum building setback lines; and the area of each lot shown to the nearest square foot. All dimensions, both linear and angular, of the exterior tract boundaries shall be based on and calculated from surveyed traversing which shall have an apparent error of field closure of 1:10,000 or better and shall be corrected by accepted balancing methods to final errorless closure. All final exterior and lot boundaries shall be similarly balanced to final errorless closure.
- c) Block and lot numbers in accordance with established standards and in conformity with the Village Tax Map as approved by the Village Tax Assessor and all street numbers where appropriate shall be designated as specified by the approving authority.

6) The final plat shall be accompanied by the following:

- a) A copy of the preliminary plat revised to show all conditions and changes required by the approving authority at the time of preliminary approval.
- b) A statement that the applicant is agent or owner of the land or that the owner has given consent to the development.
- c) Appropriate local, county and state approvals.

§ 96A-24 Plat design standards for site plans.

A. Plat conformity. All applications shall be submitted in plat form, and all plats shall conform to submission requirements. All plats shall be drawn by a licensed New Jersey land surveyor and shall bear the signature, embossed seal, license number and address of the land surveyor, except that plats submitted under the informal discussion provisions and sketch plats of minor site plans are exempt from this requirement. All drawings showing improvement designs shall bear the signature and embossed seal, license number and address of a licensed professional engineer of the State of New Jersey.

B. Informal site plan for review and classification shall include the same data as required in § 96A-23B, plus lot lines, proposed building(s), proposed use(s), parking, loading, on-site circulation, driveways, wooded areas, approximate on-site or on-tract stormwater detention facilities and water and sewer service.

C. Preliminary site plan plat.

1) Every preliminary site plan shall be at a minimum graphic scale of one inch equals 10 feet, 20 feet, 30 feet, 40 feet or 50 feet, certified by a New Jersey licensed architect or engineer, including accurate lot lines certified by a New Jersey licensed land surveyor, submitted on one of four of the following standard sheet sizes: 8 1/2 inches by 13 inches, 15 inches by 21 inches, 24 inches by 36 inches or 30 inches by 42 inches. The following data shall be shown on the site plan or accompany it (if one sheet is not sufficient to contain the entire territory, one composite map shall show the entire development with reference to the sheets on which the various sections are shown): all lot lines and the exterior boundaries of the tract; North arrow; zone district(s) in which the tract is located; date of original drawing and each subsequent amendment; existing and proposed streets and street names; existing and proposed contours at two-foot intervals throughout the tract and within 100 feet of any building or paved area under review; title of the plan; streams; total area to one square foot; total number of parking spaces; all dimensions, areas and distances needed to confirm conformity with the chapter, such as but not limited to building lengths, building coverage, lot lines, parking spaces, loading spaces, setbacks and yards; a small key map giving the general location of the parcel within the Village; and a separate map showing the site in relation to all remaining lands in the present owner's ownership.

2) Site plan information for preliminary and final approval. Each site plan shall include the following information and be designed to comply with this Chapter 96A. and be accompanied by an environmental impact report (§ 96A-36), unless waived by the approving authority, in whole or in part.

a) Building and use plan. The plan shall show the size, height, location, arrangement and use of all proposed structures and signs, including architect's scaled elevation of the front, side and rear of any structure and sign (existing structures shall be identified as either to remain or to be removed) and written description of the proposed use(s) of nonresidential buildings, including the number of employees or members, the proposed number of shifts to be worked and the maximum number of employees on each shift, expected truck and tractor-trailer traffic, emission of noise, glare, vibration, heat, odor, air and water pollution, safety hazards and anticipated expansion plans incorporated in the building design. Floor plans shall be submitted. In apartment and townhouse projects, the number of dwelling units, by type, shall be shown.

b) Circulation plan. This plan shall show access streets by name, acceleration/deceleration lanes, curbs, sight triangles, traffic channelization, traffic signs, easements, fire lanes, driveways, parking and loading spaces, pedestrian walks, bikeways and related facilities for the movement and storage of goods, vehicles and persons. Cross sections and construction plans of streets, walkways,

parking lots and other paved and curbed areas shall be included. Sidewalks shall be shown along expected paths of pedestrian travel, such as but not limited to access from buildings to parking lots, driveways and other buildings on the site. Any building expansion plans shall show feasible parking and loading expansion.

c) Natural resources and landscaping plan. This plan shall show existing and proposed wooded areas, buffer areas, including the intended screening devices and buffers [Article IX of the Zoning Ordinance (Chapter 96) of the Village of Ridgefield Park], seeded and/or sodded areas, ground cover, retaining walls, fencing, signs, recreation areas, shrubbery, trees and other landscaping features. This plan shall show the location and type of man-made improvements and the location, number, species and caliper of plant material and trees to be located on the tract. All portions of the property not utilized by buildings or paved surfaces shall be landscaped, utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage and the planting of coniferous and/or deciduous trees native to the area in order to maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas. The established grades and landscaping on any site shall be planned for aesthetic, drainage and erosion control purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and siltation as outlined under the soil erosion and sediment control (§96A-43), floodplain (§96-11.4) and drainage (§ 96A-29) provisions, as well as assuring that the capacity of any natural or man-made drainage system is sufficient to handle the water from the site and contributing upstream areas.

d) Facilities plan. This plan shall show cross sections and typical details as well as the locations of existing and proposed drainage and stormwater runoff; open space; common property; fire, gas, electric, telephone, sewerage and water lines, lighting; and solid waste collection and disposal methods, including proposed grades, sizes, capacities and materials to be used for facilities installed by the developer. Installations by utility companies need only show their locations on the plat. All easements acquired or required on tract and off tract shall be shown, and copies of legal documentation that support the granting of an easement by the owner of an off-tract lot shall be included. All proposed lighting shall include the direction, angle and height of each source of light. All utilities shall be installed underground. All required state and federal approvals for environmental considerations shall be submitted prior to preliminary approval or be a condition of approval. All public services shall be connected to approved public utility systems.

D. Final site plan plat. The final plat shall follow preliminary site plan requirements and shall include all changes required as a condition of preliminary approval.

ARTICLE VI

§ 96A-25 Article V: Design and Performance Standards.

- A. All developments shall conform to design standards encouraging sound development patterns within the Village. Where an Official Map and/or Master Plan have been adopted, the development shall conform to them.
- B. Character of the land. Land identified in the Master Plan as critical areas or having severe or moderate soil characteristics, particularly as the land relates to flooding, improper drainage, shallow depth to water table, steep slopes, rock formations, utility easements or similar features, shall not be used as buildable areas unless adequate and acceptable methods are formulated by the developer to solve the problems by methods meeting this chapter and all other regulations.
- C. Exceptions. See § 96A-14 of this chapter and § 96-5.8C of the Zoning Ordinance (Chapter 96) of the Village of Ridgefield Park.

§ 96A-26 Appearance of buildings.

- A. Within any residential district, no building with permitted professional office or other home occupation shall be constructed or altered so as to be inharmonious with the residential character of the adjacent residential areas.
- B. The following types of construction shall be considered not to be residential in character.
- 1) Storefront types of construction.
 - 2) Garage doors larger than needed for passenger automobiles and commercial vehicles of one-ton gross weight.
 - 3) Unfinished hollow masonry wall surfaces.

§ 96A-27 Building numbering.

For fire, rescue and other emergencies, all principal buildings in all districts shall be clearly identified as to house or street number by means of an unobstructed sign clearly visible and legible from the main abutting street.

§ 96A-28 Curbs and gutters.

Concrete curbs shall be installed along all streets. The standard curb section shall be 10 feet in length, with preformed expansion joint material on not more than twenty-foot centers and shall be set in accordance with approved lines and grades, and radial curbs shall be formed in a smooth curve. Chord segments are prohibited. The finish shall be a smooth float finish with corners rounded. Concrete

curbs shall be six inches by nine inches by 18 inches (six-inch exposed face), using Class B concrete having a twenty-eight-day compressive strength of 4,000 pounds per square inch, and shall be air entrained. No driveway curb cut shall exceed 16 feet maximum. The curbing shall be designed to provide barrier-free curb ramps constructed in accordance with the "Design Standards for Curb Ramps for the Physically Handicapped" of the New Jersey Department of Transportation.

§ 96A-29 Drainage.

All streets shall be designed to accommodate storm drainage along streets. Any system shall be adequate to handle all water which originates within the development and beyond, calculated on the basis of maximum potential development as permitted under this chapter. No water shall be diverted so as to overload existing drainage systems or create flooding or the need for additional drainage structures on other lands without proper and approved provisions being made for taking care of these conditions, including off-tract improvements.

- A. A fifty-year storm curve shall be used in computing stormwater runoff.
- B. The pipe size shall be determined by acceptable engineering design procedures but not be less than 15 inches in diameter.
- C. Drainage inlets shall be located as directed by the Municipal Engineer, but generally at intervals of not more than 400 feet or such shorter distances as required to prevent the flow of surface water from exceeding six cubic feet per second at the drainage inlet. Access manholes shall be placed at maximum five-hundred-foot intervals throughout the system and at pipe injunctions.
- D. Storm drainpipes running longitudinally along streets shall not be located under curbing. Where storm drain pipes are installed outside of streets, easements or rights-of-way shall be required in accordance with § 96A-30.
- E. Storm drainpipes shall be laid to the exact lines and grades approved by the Municipal Engineer. Specifications for manholes, inlets and storm drains shall follow the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, 2019, as amended.
- F. Where any development is traversed by a watercourse or drainage ditch, a drainage right-of-way easement shall be dedicated to the Village conforming substantially with the lines of such watercourse. A minimum of 15 feet beyond the bank top on at least one side shall be provided for access to the drainage right-of-way. (See § 96A-30.)
- G. All developments shall incorporate on-site stormwater facilities that will result in stormwater leaving the property at the same rate that existed prior to the development. All measures shall comply with the soil erosion and sediment control provisions in §96A-43. Grading shall direct

drainage away from all buildings, prevent the collection of water in pools and avoid the concentration of stormwater from one lot to another.

- H. Where the amount of runoff determined by the Municipal Engineer is sufficient to justify detention of peak flow, one or more detention basins shall be required. Each detention basin shall have a capacity to accept all surface water directed to it from a six-inch rain in 24 hours, with outlets to permit complete draining of the maximum capacity of the detention basin in not more than 36 hours.

§ 96A-30 Easements.

Easements shall be along the side and/or rear property lines where possible, shall not be less than 15 feet wide, shall be dimensioned on the plat and shall be identified as follows: "_____ easement granted to the Village of Ridgefield Park as provided for in the Ridgefield Park Development Regulations Ordinance."

§ 96A-31 Environmental impact report.

An environmental impact report shall be submitted for each preliminary subdivision, preliminary site plan and use variance that meets the following criteria:

- A. Any multi-family development with a minimum of 50 dwelling units.
- B. Any retail or commercial development proposing a minimum of 25,000 gross square feet.
- C. Any office development proposing a minimum of 50,000 square feet.
- C. Any industrial or warehouse development proposing a minimum of 75,000 square feet.

The approving authority may, however, require the submittal of an environmental impact report if circumstances or conditions dictate such submittal, in the opinion of the authority.

This report shall include:

- A. A description of the development, specifying what and how it is to be done during construction and operation, and practical alternate plans to achieve the objective(s).

- B. An inventory of on-site environmental conditions and an assessment of the probable impact of the development upon them: water supply; geology; soils and properties thereof, including capabilities and limitations; sewerage; topography; vegetation; noise characteristics and levels; land use; storm water management, traffic, visual impacts and aesthetics. Air and water quality shall be described with reference to standards of the New Jersey Department of Environmental Protection.

- C. The report shall also discuss the impacts on the local and migratory bird populations from the proposed building glass and provide mitigation efforts in accordance with the Bird Protection Ordinance (96A-47).

- D. A list and the status of the approvals needed from federal, state or county agencies, including comments of these governmental agencies.
- E. An evaluation of any adverse environmental impacts which might not be able to be avoided, including air and water pollution, noise, sedimentation and siltation, increase in Village services and consequences to the Village tax structure.
- F. A description of steps to be taken to avoid or minimize adverse environmental impacts during construction and operation, including maps, schedules and other explanatory data.
- G. Notwithstanding the foregoing, the approving authority may waive all or part of an environmental impact report if sufficient evidence is submitted to support a conclusion that the development will have a slight or negligible environmental impact or that the complete report need not be prepared to evaluate the environmental impact of the development.

§ 96A-32 Fire hydrants and fire alarms.

Hydrants shall be installed on water mains at intervals directed by the Fire Chief and Fire Commissioner in accordance with the standards of the National Board of Fire Underwriters. Hose connections shall conform to existing hydrants. Fire alarms shall be placed at or near street intersections and be of a type used throughout the Village.

§ 96A-33 Lighting.

The objective is to minimize undesirable off-site effects. All area lighting in places such as parking lots or for security shall provide translucent fixtures with shields around the light source. The light intensity at ground level shall be a maximum of one footcandle. The total quantity of light radiated above a horizontal plane passing through the light source shall not exceed 7.5%. For recreation purposes, more intense lighting may be permitted. In all instances, no lighting source shall shine or reflect into windows or onto streets and driveways. No lighting shall be a yellow, red, green or blue beam nor be rotating, pulsating or of other intermittent frequency.

§ 96A-34 Lots.

- A. Insofar as is practical, lots shall be rectangular, lot lines shall be straight and side lot lines shall be either at right angles or radial to street lines.
- B. Each lot must front upon an approved paved street.
- C. Through lots with frontage on two streets are permitted, provided access shall be to the street with the lower traffic function.
- D. Extra width for street widenings in accordance with an adopted Master Plan or Official Map shall either be dedicated or, if not dedicated, be anticipated by increasing the lot size in anticipation of future right-of-way.

E. Where there is a question as to the suitability of a lot(s) due to rock formations, flood conditions, high-water table or similar circumstances, the approving authority may, after adequate investigation, withhold approval of such lots.

§ 96A-35 Monuments.

Monuments shall be the size and shape required by N.J.S.A. 46:23-9.12 (the Map Filing Law), as amended, be placed in accordance with said statute and indicated on the final plat.

§ 96A-36 Off-site and off-tract improvements.

Before final approval, the approving authority may require the payment of the developer's pro rata share of the following off-site and off-tract improvements: street improvements, water system, sewerage, drainage facilities and easements.

A. Essential off-site and off-tract improvements may be required to be installed or a performance guaranty furnished in lieu thereof, with the total cost borne by the developer.

1) Where a development has no direct access to an improved street, water supply or sanitary sewer, the approving authority may nevertheless grant final approval if the developer shall acquire and improve such street between the development and an existing improved street and, in the case of water/sewer system(s), if the developer shall acquire and improve such water and sanitary sewer connections between the development and existing facilities.

2) Where drainage waters are diverted from the development into other drainage systems or onto other lands or streets not adequate to accommodate the additional waters, the approving authority may grant final approval if the developer shall acquire, improve and dedicate to the Village such enlarged, additional or new drainage facilities.

3) In lieu of the developer performing such off-site and off-tract work, the developer may request and the governing body may enter into an agreement for such work to be performed by the Village or its contractors at the cost of the developer.

4) Where the approving authority determines that off-site and off-tract improvements are essential to the development and the developer does not consent to the improvements, the application shall be denied without prejudice to a future application at such time as the conditions no longer apply.

B. Advisable off-site and off-tract improvements. Where the approving authority finds that off-site and off-tract improvements would be advisable, although not essential, and the improvements would promote the objectives of this chapter and can be most appropriately accomplished in connection with the development, and particularly where the improvements would be required as a local improvement by the Village with the costs assessed against all properties specially benefited thereby, including the property of the developer, the following provisions shall apply:

- 1) During the processing of the application the approving authority shall refer its recommendations for off-site and off-tract improvements to the governing body.
- 2) If the governing body concurs, the Municipal Engineer or other authority retained by the Village shall determine the nature of the off-site and off-tract improvements, including the needs created by the applicant's proposed development and the then-existing needs in the area, notwithstanding any work of the applicant. He shall estimate the costs of such work, including all costs to be in any local improvement ordinance and those to be assessed to the developer and including costs for construction, engineering, any easement or right-of-way acquisition, legal work, advertising, contingencies, bonding and assessments.
- 3) If the governing body will not adopt a local improvement ordinance, the final development shall be designed accordingly and the approving authority shall proceed on that basis.
- 4) If a local improvement ordinance is adopted, the governing body shall proceed in the following manner:
 - a) If sufficient funds are available for the initial appropriation, the governing body may appropriate such funds and adopt such ordinance.
 - b) If sufficient funds are not available for the initial appropriation, the governing body may determine the anticipated amount that the lands of the applicant would be expected to be assessed.
 - (1) The amount determined by the governing body shall then be deposited by the applicant with the Village Treasurer prior to final approval and prior to introduction of such local improvement ordinance.
 - (2) Such deposit shall be made concurrent with an agreement between the applicant and the Village concerning the uses of the deposit, which shall include the following stipulations: that said funds shall be used by the Village solely for the expenses of such off-site and off-tract improvements; that such deposit may be appropriated by the Village, with other funds of the Village, and may be co-mingled with other appropriated funds and expended by the Village in connection with such purposes; that if such deposit is not used by the Village within a specified time agreed upon by the applicant, said funds shall be returned to the applicant; that upon completion of the work by the Village or its contractors, the properties specially benefited by such improvement shall be assessed as provided by law, including the property of the applicant; that the applicant's deposit shall be credited against the assessment made upon the applicant's property (whether or not applicant is then the owner thereof); and that if such deposit is less than the amount ultimately assessed against such property,

then the owner(s) of said property shall pay the difference between the deposit and such assessment or, if the deposit exceeds the amount assessed, the excess shall be refunded to the applicant, without interest.

(3) Where said off-site and off-tract improvements are found by the approving authority to be advisable and important to the sound development of the site, but the developer is unwilling to make such deposit as specified above, then there shall be no final approval until funds become available for the initial appropriation required to adopt the local improvement ordinance.

5) The determination of the governing body whether or not to proceed toward the adoption of a local improvement ordinance shall be made within 30 days after the referral by the approving authority unless such time shall be extended with the consent of the applicant. If the determination is not made within the designated period, the approving authority may proceed as if the governing body had determined that it would not adopt such local improvement ordinance.

§ 96A-37 Off-street parking and loading.

- A. Access to and from lots. Drives shall be limited to two to any street. The center lines of access points shall be spaced at least 65 feet apart. Each drive shall handle no more than two lanes of traffic, be at least 50 feet from the street line of any intersecting street and be at least 20 feet from any property line. Curbing shall either be depressed at the driveway or be rounded at the corners, with the access drive connected to the street in the same manner as another street.
- B. Access to parking and loading spaces. Access shall be by on-site aisles to permit each vehicle to proceed to and from each space without moving another vehicle. Parking spaces shall not be an extension of any street right-of-way.
- C. Buffers. Parking and loading areas for 10 or more vehicles shall be buffered from adjoining streets and single-family residential uses, in accordance with §96-8 .
- D. Curbing. Off-street parking areas containing 10 or more spaces and all off-street loading areas shall have concrete curbing around the perimeter located in conjunction with an overall drainage plan. Curbing shall be ramped in accordance with the "Design Standards for Curb Ramps for the Physically Handicapped" of the New Jersey Department of Transportation, with ramps opposite each aisle. Curbing shall be located to control access from adjoining streets and prevent vehicles from encroaching upon buffer and landscaped areas and street rights-of-way.
- E. Drainage. Facilities shall be installed in accordance with good engineering practice as approved by the Municipal Engineer and in accordance with the drainage provisions of § 96A-29. Where

subbase conditions are wet, springy or of such nature that surfacing would be inadvisable without first treating the subbase, these areas shall be excavated to a depth of at least 12 inches below the proposed subgrade and filled with a suitable material, as determined by the Municipal Engineer. Where required by the Engineer, a system of porous concrete pipe subsurface drains shall be constructed beneath the surface of the paving and connected to suitable drain. Parking spaces shall not exceed a grade of 4%, and interior access drives shall not exceed 6.5%.

F. Surfacing. Surfacing shall be approved as part of the plan approval. Areas to experience heavy traffic shall be paved with not less than four inches of compacted base course of plant-mixed bituminous stabilized base course constructed in layers of not more than two inches compacted thickness, or equivalent, and a minimum one-and-one-half-inch-thick compacted wearing surface of bituminous concrete (FABC), or equivalent. All shall be constructed in accordance with the standard specifications of the New Jersey Department of Transportation.

G. Landscaping.

1) Landscaping in parking areas for more than 10 cars and loading areas shall be shown on the site plan. Trees shall be spaced so as not to interfere with driver vision and shall have branches no lower than six feet. All areas between the parking area and the building shall be landscaped with trees, shrubs and ground cover. Any plantings which do not live shall be replaced within one year or one season. A majority of the parking areas for more than 50 cars shall be obscured from streets by buildings, landscaped berms, natural ground elevation or plantings, singly or in combination.

2) In the R-3 Multifamily and R-4 Medium-Rise Multifamily Zones, every 50 feet of parking shall be interrupted by a planting strip of four feet (minimum).

3) In the OP Zone, landscaping and parking areas for more than 50 vehicles shall have at least one tree for each 20 parking spaces. However, no landscaping shall be required on a top level of a parking garage.

H. Minimum parking and loading requirements.—See Article VIII, §96-96-8.0 to 8.12.

I. Location of parking and loading areas.

1) No loading and parking space shall be located in any required buffer area, and all spaces shall be set back at least two feet from street and property lines and buffer areas to prevent any part of a vehicle from overhanging the street right-of-way, property line or buffer areas.

2) Parking spaces shall be within 200 feet of the entrance of the building being served.

3) No parking shall be permitted in fire lanes, streets, driveways, aisles, sidewalks or turning areas.

4) It shall be illegal to park, store or otherwise place in any setback area required under this chapter which is adjacent to a public street any passenger motor vehicle, commercial motor vehicle, bus, trailer, boat, airplane, motorcycle, motor scooter or any similar type means of conveyance. This prohibition shall not apply to legally paved areas when the provisions of this chapter permit the parking or storing of such vehicles but shall apply to any lawns, landscaped areas or the like which are required by this chapter and are known as either the front yard setback, the rear yard setback from a street, or the side yard setback from a secondary street.

§ 96A-38 Public utilities.

All public services shall be connected to approved public utilities systems where they exist. The distribution supply lines and service connections shall be installed underground, except that lots which abut streets with existing overhead electric or telephone lines may be supplied from those overhead lines, but the service connections shall be installed underground. Should a road widening or an extension of service occur as a result of the development, any replacement, relocation or extension of existing overhead lines shall be underground.

§ 96A-39 Sanitary sewers.

All uses shall be provided with sewage disposal facilities by the required extension of sewer mains and connections, as approved by the Municipal Engineer, serving authority and, if required by law, the New Jersey Department of Environmental Protection.

§ 96A-40 Shade trees.

Where required, new shade trees shall be installed on each lot. Trees shall have a minimum diameter of 2.5 inches as measured three feet above the ground and be one of the following species approved by the approving authority. Trees shall be planted 30 feet apart along all streets and be located in the front of the lot in a line with other trees along the same side of the street but be at least 30 feet from streetlights and street intersections. Trees shall be balled and burlapped, nursery grown, free from insects and disease and true to species and variety. Stripping trees or filling around trees in the yard portion of a lot shall not be permitted unless it can be shown that grading requirements necessitate removal of trees, in which case those lots shall be replanted to reestablish the tone of the area and to conform to adjacent lots. Planted trees that do not live shall be replaced by the developer during the next planting season. Parking lots shall be planted as required in § **96A-43**, Off-street parking and loading.

Sugar maple (*Acer saccharum*)

Red oak (*Quercus borealis maxima*)

Pin oak (*Quercus palustris*)

Ginkgo (male only), (*Ginkgo biloba*)

Thornless honey locust (*Gleditsia triacanthos inermis*)
London plane (*Platanus acerifolia*)
Willow oak (*Quercus phellos*)
Scarlet oak (*Quercus coccinea*)
Sweet gum (*Liquidambar styraciflua*)
Japanese pagoda tree (*Sophora japonica*)
Little leaf linden (*Tilia cordata*)

§ 96A-41 Sidewalks.

Sidewalks shall be installed in locations determined by the approving authority to be in the interest of public safety, considering the logical extension or improvement to existing sidewalks, probable volume of pedestrian traffic, the adjoining street classification, school bus stops and the general type of improvement intended. Where required, sidewalks shall be at least eight feet wide in a commercial zone and four feet wide in all other zones; four inches thick, except at points of vehicular crossing, where they shall be at least eight inches thick; of Class B concrete having a twenty-eight-day compressive strength of 4,000 pounds per square inch and shall be air-entrained. Where sidewalks cross curbs, curb ramps shall be provided as outlined in § 96A-28. Preformed expansion joint material shall be placed at twenty-foot intervals and where sidewalks abut curbing or a structure.

§ 96A-42 Sight triangles.

See §96-11.2, Sight triangles, in the Zoning Ordinance (Chapter 96) of the Village of Ridgefield Park.

§ 96A-43 Soil erosion and sediment control.

All major site plans and major subdivisions shall incorporate soil erosion and sediment control programs phased according to the scheduled progress of the development, including anticipated starting and completion dates. The purpose is to control soil erosion and sediment damages to promote the public safety, fertility and health, convenience and general welfare of the community. See § 96-11.4, Floodplain regulations, of the Zoning Ordinance (Chapter 96) of the Village of Ridgefield Park, and § 96A-29, Drainage, of this chapter.

A. Data required.

- 1) A plan establishing the means for controlling soil erosion and sedimentation at the applicant's expense, certified by the Soil Conservation District.
- 2) The plan shall be prepared by a professional engineer licensed in New Jersey, except in instances where the preparation of a plan does not include or require the practice of engineering as defined in N.J.S.A. 45:8-28, and shall contain:
 - a) Location and description of general topography and soil characteristics on and surrounding the site, including a copy of the Soil Conservation Service soil survey.
 - b) Proposed changes to contours, showing existing and post-construction conditions.

- c) Proposed measures for controlling soil erosion and sediment during and after construction.
- d) The sequence of installing erosion and sediment control measures, including anticipated starting and completion dates.

B. General design principles.

1) Guiding principles.

- a) Stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion.
- b) Whenever feasible, natural vegetation shall be retained and protected.
- c) The extent of the disturbed area and the duration of its exposure shall be kept within practical limits.
- d) Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbances.
- e) Drainage provisions shall accommodate increased runoff resulting from modified soil and surface conditions during and after development or land disturbance.
- f) Water runoff shall be minimized and retained on site, wherever possible, to facilitate groundwater recharge.
- g) Sediment shall be retained on site.
- h) Diversions, sediment basins and similar structures shall be installed, where required, prior to any on-site grading or land disturbance.

2) Grading and filling. All fill shall be clean fill and/or topsoil. Grading shall be limited to areas shown on an approved plat. Any topsoil disturbed during grading operations shall be redistributed throughout the site.

3) Soil removal and redistribution. Excavation of soil, other than as required to construct approved structures and facilities, shall be prohibited. Any application proposing the disturbance of more than 5,000 square feet of surface area of land, as defined in the Soil Erosion and Sediment Control Act, P.L. 1975, c. 251 (N.J.S.A. 4:24-39 et seq.), shall include the following: the means to control or prevent erosion; providing for sedimentation basin(s) for soil that does erode due to water; controlling drainage, dust and mud on the premises as well as on abutting lands; preserving soil the ability of the area to support plant and tree growth by maintenance of adequate topsoil consisting of at least six inches of the original layer; maintaining necessary lateral support and grades of abutting lands, structures and other improvements; preventing pits and declivities which are hazardous or which provide insect-breeding locations; and not altering the physical limitations and

characteristics of the soil in such a way as to prevent the use to which the land may lawfully be put.

- C. Maintenance. All erosion and sediment control measures shall be maintained for two years after completion or until such measures are permanently stabilized, as determined by the Municipal Engineer, whichever is longer.
- D. Exemptions. The following are exempt from the soil erosion and sediment control provisions:
 - 1) Land disturbance associated with the construction of a single-family dwelling unit unless such unit is a part of a proposed subdivision, site plan, zoning variance or building permit application involving two or more such single-family dwelling units.
 - 2) Land disturbance of 5,000 square feet or less of the surface area of land for the accommodation of construction for which the Standard Building Code of the State of New Jersey would require a building permit.
 - 3) Agricultural use of lands when operated in accordance with a farm conservation plan approved by the local Soil Conservation District or when it is determined by the local Soil Conservation District that such use will not cause excessive erosion and sedimentation.
 - 4) Use of land for gardening primarily for home consumption.
 - 5) Percolation tests and/or soil borings.

§ 96A-44 Streets.

- A. All developments shall be served by paved streets. Streets not shown on the Master Plan or Official Map shall provide for the appropriate extension of existing streets, conform to the topography as far as practical and allow for continued extension into adjoining undeveloped tracts.
- B. Residential development bounded by any arterial or collector street shall control access to said streets by having all driveways intersect minor streets. Where circumstance(s) may dictate that a driveway enter an arterial or collector street, the lot shall provide on-site turnaround facilities, and abutting lots may be required to use one curb cut. All lots with reverse frontage shall have an additional 25 feet of lot depth to provide a buffer area, which shall be planted with nursery-grown trees or, where topography permits, earthen berms may be created. Berms shall not be less than five feet in height, shall be stabilized by ground cover and be planted with evergreens and deciduous trees according to a landscaping plan and § 96A-40.
- C. Street rights-of-way shall be measured from lot line to lot line. No continuation of an existing street shall be continued at a width less than the existing street, although a greater width may be required in accordance with the following schedule:

Street Classification	Minimum Right-of-Way		Width Between Curbs (feet)
	Width (feet)	Traffic Lanes	
Arterial	70	4 at 10.5 feet	58
Collector	60	2 at 11 feet	36
Primary local	50	2 at 10 feet	34
Secondary local	50	2 at 10 feet	30

D. No reserve strips shall be approved except where the control and disposal of land comprising such strips has been given to the governing body.

E. Where a development adjoins or includes existing streets that do not conform to widths shown on the Master Plan or Official Map or the requirements of this chapter, additional land along both sides of said street sufficient to conform to the rights-of-way requirements shall be either dedicated or anticipated in the development design by creating oversized lots in a subdivision as well as increased building setbacks to accommodate the widening at some future date. The additional widening may be offered to the Village and, if offered, shall be expressed on the plat as follows: "Street right-of-way easement granted to the Village of Ridgefield Park." If the subdivision is along one side only, 1/2 the required extra width shall be anticipated.

F. Local streets shall be designed to discourage through traffic, and grades shall not exceed 10%. On arterial and collector streets, grades shall not exceed 4%. The minimum grade shall be 0.75%. Maximum grade on any street within 100 feet of an intersection shall be 4%.

G. Intersecting street center lines shall be as nearly at right angles as possible, and in no case shall they be less than 75°. Approaches to all intersections shall follow a straight line for at least 100 feet, measured from the curb line of the intersecting street to the beginning of the curve. No more than two street center lines shall meet or intersect at any one point, and center-line offsets of less than 125 feet shall be prohibited; intersections shall be rounded at the curb line, with the street having the highest radius requirement as outlined below determining the minimum standard for all curb lines: arterial at 40 feet, collector at 30 feet and local streets at 20 feet.

H. Sight triangles shall be provided as required in § 96-11.2 of the Zoning Ordinance (Chapter 96) of the Village of Ridgefield Park.

I. Curved streets shall have a radius conforming to standard engineering practice so that the minimum sight distance within the curb line shall be 160 feet for a local street, 300 feet for a collector street and 550 feet for an arterial street.

J. Changes in horizontal and vertical alignment where the algebraic difference "A" exceeds 1% shall be connected by a curve having a length equal to 30A for local streets and 50A for collector and arterial streets.

K. Dead-end (cul-de-sac) streets.

1) Dead-end streets of a permanent nature (where its extension is impractical or impossible) or of a temporary nature (where provision is made for the future extension of the street) shall provide a turnaround at the end with a right-of-way radius of not less than 50 feet and a curb line radius of not less than 40 feet. The center point for the radius shall be on the center line of the associated street or, if offset, to a point where the curb line radius is tangent to the curb line of the approaching street.

2) If a dead-end street is temporary, provisions shall be made for removal of the turnaround and reversion of the excess right-of-way to the adjoining properties as an off-tract responsibility of the developer creating the street extension when the street is extended.

3) A dead-end street shall serve no more than 20 lots or dwelling units nor exceed a length of 500 feet.

L. No street shall have a name which duplicates or so nearly duplicates in spelling or phonetic sound the name of existing streets as to be confused therewith. The continuation of an existing street shall have the same name. The names of new streets shall be approved by the approving authority.

M. Streetlighting. In all major developments, streetlights shall be installed at street intersections and approximately 200 feet apart along one side of all streets. All service connections shall be underground. The design and type shall conform to recent installations and be approved by the Engineer before installation.

N. Streets shall be constructed in accordance with the standard specifications of the New Jersey Department of Transportation. Pavement thicknesses shall be not less than the following.

1) Arterial and collector streets.

a) Bituminous stabilized base course: six inches compacted thickness.

b) FABC, two-surface course: two inches compacted thickness.

2) Local streets.

a) Bituminous stabilized base course: five inches compacted thickness.

b) FABC, one-surface course: 1 1/2 inches compacted thickness.

3) Where subbase conditions are wet, springy or of such nature that surfacing would be inadvisable without first treating the subbase, these areas shall be excavated to a depth of at

least 12 inches below the proposed subgrade and filled with a suitable subbase material as determined by the Municipal Engineer. Where required by the Engineer, a system of porous concrete pipe subsurface drains shall be constructed beneath the surface of the paving and connected to a suitable drain. After the subbase material has been properly placed and compacted, the surfacing material shall be applied.

§ 96A-45 Topsoil protection.

No topsoil shall be removed from the development site or used as spoil or fill. In addition, topsoil removed during the course of construction shall be redistributed in the development so as to provide equal distribution of cover to all areas of the development and shall be stabilized by seeding and planting. At least six inches of topsoil shall be provided on all areas not occupied by buildings or walks.

§ 96A-46 Water supply.

Where water is accessible from a servicing utility, the developer shall arrange for a connection to the system to serve each use.

§96A-47 Bird-Friendly Building Requirements

A. Purpose. In order to minimize the effects on native and migratory birds, new construction and major renovations shall incorporate design measures to promote bird safety. These measures will help reduce the likelihood of building collision fatalities through facade treatments and light pollution reduction. These measures apply to both residential and non-residential land uses except where specified.

B. Applicability. The requirements set forth in this section shall apply to:

- 1). All non-residential buildings;
- 2). All multi-family residential buildings higher than 3 stories;
- 3). All low-rise residential buildings with viewsheds to open space, parks or natural areas; and
- 4). All other building construction within the Village where the amount of glazing exceeds 40% of the building facade in the first 75 feet of the building above grade.

C. Design Requirements

- 1). All new construction, building additions and building alterations shall adhere to the standards in this section. Existing single and two-family homes are exempt from the construction requirements set forth below.
- 2). Facade Treatments. No more than 10% of the surface area of a building total exterior shall have untreated glazing between the ground and 75 feet above grade. Sliding glass doors and glass balcony railings up to 75 feet above grade shall also be treated. Examples of bird-friendly glazing treatments include the use of

opaque glass, the covering of clear glass surface with patterns, the use of paned glass with fenestration patterns and the use of external screens over non-reflective glass. Additional alternatives are set forth in the publications identified in subsection D of this section.

3). Occupancy Sensors. For non-residential development, occupancy sensors or other switch control devices shall be installed on non-emergency lights. These lights shall be programmed to shut off during non-work hours and between 10:00 P.M. and sunrise.

4). Funneling of flight paths. New construction shall avoid the funneling of flight paths along buildings or trees towards a building facade.

5). Skyways, walkways, or glass walls. New construction and building additions shall avoid building glass skyways or walkways, freestanding glass walls and transparent building corners. New construction and building additions shall reduce glass at tops of buildings, especially when incorporating green roof designs.

6). Exceptions. The above requirements may be waived or reduced based on an analysis of a qualified biologist or ornithologist indicating that the proposed construction will not result in a significant collision hazard to birds.

D. References. Bird Friendly building design guidelines can be further found in the following publications:

- 1). "Bird Friendly Building Design and Construction Requirements Guidance Document, Local Law of 2020, November 2020, Version 1.0" prepared by New York City Buildings
- 2). City of Toronto - "2016 Best Practices Glass and Bird Friendly Development Guidelines"

§ 96A-48 Stormwater Control

All development shall be subject to the stormwater control regulations set forth in Chapter 327 of the Village ordinances.

96A-49 Homeowners' Associations.

Where open space or common property is set aside in a development and said land is not to be deeded to the Village, a homeowners' association shall be established for the purpose of maintenance responsibility. The organization shall incorporate the following provisions, which shall be submitted and approved prior to final plat approval:

A. Membership by all owners of property or interests in the project shall be mandatory. Required membership and the members' responsibilities shall be in writing between the organization and

each member in the form of a covenant, with each agreeing to liability for his pro rata share of the organization's costs.

- B. The organization shall be responsible for liability insurance (with the municipality carried as a named insured), taxes, maintenance and any other obligations assumed by the organization and shall hold the municipality harmless from any liability. The organization shall not be dissolved and shall not dispose of any common open space or common property by sale or otherwise except to an organization conceived and established to own and maintain such open space or property for the benefit of such development. Thereafter such organization shall not be dissolved or dispose of any of its open space or property without first offering to dedicate the same to the municipality wherein the land is located.
- C. The organization shall be allowed to adjust the assessment to meet changing needs.
- D. The organization shall clearly describe in its bylaws all the rights and obligations of each tenant and owner, including a copy of its covenants, model deeds and articles of incorporation. The master deed shall state that every tenant and property owner shall have the right to use all common properties.
- E. The articles of incorporation, covenants, bylaws, model deeds and other legal instruments shall ensure that control of the organization shall be transferred to the members based on a percentage of the dwelling units sold and/or occupied and shall clearly indicate that, in the event such organization shall fail to maintain the common open space or common property in reasonable order and condition, the Village 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 common open space or common property in reasonable condition, and 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, which shall be held within 15 days of the notice. At such hearing, the designated Village body or officer, as the case may be, 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. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within said 35 days or any permitted extension thereof, the Village, in order to preserve the common open space and common property 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 common open space and common property except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the Village Commissioners shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space and common property, call a public hearing upon 15 days' written notice to such organization and to the owners of the development, to be held by the Village

Commissioners, at which hearing such organization and the owners of the development shall show cause why such maintenance by the Village shall not, at the election of the Village Commissioners, continue for a succeeding year. If the Village Commissioners shall determine that such organization is ready and able to maintain said open space and property in reasonable condition, the Village shall cease to maintain said open space and property at the end of said year. If the Village Commissioners shall determine such organization is not ready and able to maintain said open space and property in a reasonable condition, the Village Board of Commissioners may, in its discretion, have the Village continue to maintain said open space and property during the next succeeding year, subject to a similar hearing and determination in each year thereafter. The decision of the Village Commissioners in any such case shall constitute a final administrative decision subject to judicial review.

- F. The cost of such maintenance by the Village shall be assessed pro rata against the properties within the development that have a right of enjoyment of the common open space and common property 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 shall be enforced and collected with interest by the same officers and in the same manner as other taxes.

§ 96A-50 Guarantees and Inspections.

- A. Before filing of final subdivision plats or recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to Subsection d. of Section 52 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-65), or as a condition of approval of a permit update under the State Uniform Construction Code for the purpose of updating the name and address of the owner of property on a construction permit, the Village shall require and shall accept in accordance with the standards set forth hereinbelow and regulations adopted pursuant to Section 1 of P.L. 1999, c. 68 (N.J.S.A. 40:55D-53a. for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee as set forth in this section.

1) The developer shall furnish a performance guarantee in favor of the Village in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Municipal Engineer, according to the method of calculation set forth in Section 15 of P.L. 1991, c. 256 (N.J.S.A. 40:55D-53.4), for the following improvements as shown on the approved plans or plat:

- a) Streets.
- b) Pavement.
- c) Gutters.
- d) Curbs.
- e) Sidewalks.

- f) Street lighting.
- g) Street trees.
- h) Surveyor's monuments, as shown on the final map and required by the Map Filing Law, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.; repealed by Section 2 of P.L. 2011, C. 217) or N.J.S.A. 46:26B-1 through N.J.S.A. 46:26B-8.
- i) Water mains.
- j) Sanitary sewers. Community septic systems.
- k) Drainage structures.
- l) Public improvements of open space; and
- m) Any grading necessitated by the preceding improvements.

2) The developer shall also furnish a performance guarantee to include, within an approved phase or section of a development, privately owned perimeter buffer landscaping, as required by the Village Code or imposed as a condition of approval. At a developer's option, a separate performance guarantee may be posted for the privately held perimeter buffer landscaping.

3) The Municipal Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

B. The developer shall also submit to the Village a safety and stabilization guarantee in favor of the Village. At the developer's option, a safety and stabilization guarantee may be furnished either as a separate guarantee or as a line item of the performance guarantee. A safety and stabilization guarantee shall be available to the Village solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

1) Site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and

2) Work has not commenced within 30 days following the provision of written notice by the Village to the developer of the Village's intent to claim payment under the guarantee.

3) The Village shall not provide notice of its intent to claim payment under a safety and stabilization guarantee until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Village shall provide written notice to the developer by certified mail or other form of delivery providing evidence of receipt.

4) The amount of a safety and stabilization guarantee for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.

5) The amount of a safety and stabilization bond guarantee for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

- a) \$5,000 for the first \$100,000 of bonded improvement costs; plus
- b) Two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000; plus
- c) One percent of bonded improvement costs in excess of \$1,000,000.

6) The Village shall release a separate safety and stabilization guarantee to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this subsection.

7) The Village shall release a safety and stabilization guarantee upon the Municipal Engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

C. In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the Village in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a temporary certificate of occupancy guarantee, all sums remaining under a performance guarantee previously furnished by the developer which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the temporary certificate of occupancy guarantee shall be determined by the Municipal Engineer. The temporary certificate of occupancy guarantee shall be released by the Municipal Engineer upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

D. Prior to the release of a performance guarantee required pursuant to this section, the developer shall post with the Village a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

1) The developer shall post with the Village, upon the inspection and issuance of final approval of the following private site improvements by the Municipal Engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site

improvements, which cost shall be determined according to the method of calculation set forth in Section 15 of P.L. 1991, c. 256 (N.J.S.A. 40:55D-53.4):

- a) Stormwater management basins.
- b) In-flow and water quality structures within the basins; and
- c) The out-flow pipes and structures of the stormwater management system, if any.

2) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.
end of the established term.

E. 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 guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Village for such utilities or improvements.

F. Regulations concerning performance guarantees.

1) The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Municipal Engineer according to the method of calculation set forth in Section 15 of P.L. 1991, c. 256 (N.J.S.A. 40:55D-53.4) as of the time of the passage of the resolution.

2) If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Village for the reasonable cost of the improvements not completed or corrected, and the Village may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law, P.L. 1971, c. 198 (N.J.S.A. 40A:11-1 et seq.).

3) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the Village Clerk, that the Municipal Engineer prepare, in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the Municipal Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Municipal Engineer shall

inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

a) The list prepared by the Municipal Engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the Municipal Engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to Subsection A of this section.

b) The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Municipal Engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to this Section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Municipal Engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee with respect to those approved bonded 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 total performance guarantee and safety and stabilization guarantee posted may be retained to ensure completion and acceptability of all improvements. The safety and stabilization guarantee shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

c) For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bond improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to Subsection A of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70% of the total amount of the performance guarantee, then the Village may retain 30% of the amount of the total performance guarantee and safety and stabilization guarantee to ensure completion and acceptability of all bonded improvements, as provided

above, except that any amount of the performance guarantee attributable to bonded improvements for which a temporary certificate of occupancy guarantee has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the Village below 30%.

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

e) If the governing body fails to approve or reject the bonded improvements determined by the Municipal Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Municipal Engineer's list and 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 and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

f) In the event that the obligor has made a cash deposit with the Village or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a safety and stabilization guarantee, the Village may retain cash equal to the amount of the remaining safety and stabilization guarantee.

4) If any portion of the required bonded 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 set forth in this section shall be followed.

5) Nothing herein shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the Municipal Engineer.

G. Regulations concerning inspection fees.

1) The obligor shall reimburse the Village for reasonable inspection fees paid to the Municipal Engineer for the foregoing inspection of improvements, which fees shall not exceed the sum of

the amounts set forth hereinbelow. The Village shall require the developer to post the inspection fees in escrow in an amount:

- a) Not to exceed, except for extraordinary circumstances, the greater of \$500 or, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under this section; and
- b) Not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under this section, which cost shall be determined pursuant to Section 15 of P.L. 1991, c. 256 (N.J.S.A. 40:55D-53.4).

2) For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Municipal Engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.

3) For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Municipal Engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.

4) If the Village determines that the amount in escrow for the payment of inspection fees, as calculated hereinabove, is insufficient to cover the cost of additional required inspections, the developer shall deposit additional funds in escrow. In such instance, the Village shall deliver to the developer a written inspection escrow deposit request, signed by the Municipal Engineer, which informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

H. In the event that final approval is by stages or sections of development pursuant to Subsection a. of Section 29 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-38), the provisions of this section shall be applied by stage or section.

I. To the extent that any of the improvements have been dedicated to the Village on the subdivision plat or site plan, the governing body shall be deemed, upon the release of any performance guarantee required pursuant to Subsection A of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected

and governing body shall be deemed, upon the release of any performance guarantee required pursuant to Subsection A of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Municipal Engineer.

§ 96A-51 Developer's agreements.

A. Prior to the signing and recording of a final major subdivision plat, and in the case of a site plan application, as a condition of final site plan approval, the developer shall enter into an agreement with the governing body and the approving land use board if so required by the Village or the land use board. The agreement shall be in a form acceptable to the Village Attorney and shall include provisions ensuring, at a minimum, that the developer shall agree to:

- 1) Abide by the terms and conditions of approval.
- 2) Construct the required improvements in accordance with the approved plans;.
- 3) Maintain the constructed improvements, including but not limited to payment of streetlighting charges, snow removal, maintenance of storm drainage and sewer and water facilities.
- 4) Post appropriate performance guarantees and proof of insurance, including indemnification agreements in favor of the Village, its land use boards, and their respective employees, officers, officials, professionals and agents.
- 5) Construct and manage all required affordable housing units in accordance with the requirements of the Council on Affordable Housing, the New Jersey Courts, or any other court or agency having jurisdiction over the Village's affordable housing obligations.
- 6) Complete and maintain appropriate landscaping in accordance with the landscape plan submitted to the land use board.
- 7) Address all other items deemed necessary and appropriate by the Village Attorney, Engineer, or Planner.

B. The developer shall further agree that in the event the improvements are not properly constructed or maintained, the Village may utilize the cash portions of the performance guarantees to immediately address the items presenting a safety hazard in the opinion of the Village.

C. The developer shall reimburse the Village for the cost and expense of preparing the developer's agreement and the filing of same with the Bergen County Clerk in accordance with the Village's applicable professional contract, prior to execution of same.

ARTICLE VII

§96A-52 Severability.

If any provision or portion of a provision of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated and shall remain in full force and effect.

§96A-53 Effective date.

This Ordinance shall take effect upon adoption and publication as required by law and filing with the County Planning Board.

§96A-54 Repeal of inconsistent ordinances.

All ordinances and parts of ordinances which are inconsistent with the provisions of this Chapter are hereby repealed to the extent of such inconsistency.

§ 96A-55 Amendments.

All provisions of this chapter may be amended in accordance with applicable laws. All amendments to this chapter which form a part of the Development Regulations of the Village of Ridgefield Park shall be adopted in accordance with the provisions of the New Jersey Municipal Land Use Law.

§ 96A-56 Violations and penalties.

- A. Any person or entity who violates any provision of this chapter shall be punished by a fine not exceeding \$1,000 or by imprisonment in a place provided by the municipality for the detention of prisoners not exceeding 90 days or by a period of community service not exceeding 90 days. Any person who is convicted of violating this chapter within one year of the date of a previous conviction of the same ordinance, and who was fined for a previous violation or was sentenced to a term in jail or to community service, shall be fined by the court to an additional fine or jail sentence or community service as a repeat offender. The additional penalty shall not be less than \$100 and shall not exceed the sum of \$1,000 or imprisonment for a term not to exceed 90 days or the person may be required to perform community service for a term not to exceed 90 days.
- B. In the event a person cannot pay the fine, the court may provide, in default of the payment of the fine, imprisonment in the County Jail for a term not to exceed 90 days. The person may be required to perform 90 days of community service. All penalties for a violation of this chapter shall be in accordance with N.J.S.A. 40:49-5, and the Code of the Village of Ridgefield Park. In addition to the foregoing penalties, the municipality may enforce this chapter as for any violation of ordinance in accordance with N.J.S.A. 40:55D-18, which action shall be in the

Superior Court of the State of New Jersey. Each day a provision of this chapter is violated shall constitute a separate and distinct violation.

§96A-57 Saving provisions.

These regulations shall not abate or modify any action, penalty, liability or right pending under any ordinance repealed by the adoption of this chapter except as expressly provided in this chapter.

§ 96A-58 Publication.

This chapter is being published in accordance with the provisions of N.J.S.A. 40:49-2 and 40:55D-62 et seq. Three copies of this chapter as introduced have been placed on file in the Village Clerk's office and are available for public inspection until final action is taken on the chapter. Copies of these Development Regulations, upon publication, shall be available to any members of the public who request the same. This chapter shall become effective upon final publication in accordance with the laws. A copy of this chapter shall also be filed or adopted by the Bergen County Planning Board.

6A Attachment 1

Village of Ridgefield Park

March, 2023

Checklist for Required Submissions to the Planning Board or Zoning Board of Adjustment of the Village of Ridgefield Park

All required submissions are to be made to the Administrative Officer and are due at the time of submission of the application.

	Complies	Deficient	Waiver Sought
L. Requirements for All Applications			
1. Twelve copies of the application form applicable to the type of approval requested, completely filled in. If any item is not applicable to the Applicant, it should be so indicated on the application forms)			
2. Certification from Village Clerk that taxes have been paid			
3. Receipt from Construction Officer indicating that all required fees (as set forth in fee ordinances of Ridgefield Park) are j)3.id			
4. Twelve copies of any required plot plan, site plan or subdivision plan completed in conformance with the requirements of all applicable ordinances of Ridgefield Park to be a size of 30 inches by 42 inches or 24 inches by 36 inches or 15 inches by 21 inches or 8 1/2 inches by 13 inches			
5. Twelve copies of any other supporting documentation which shall be presented to the Board in its consideration of the application			
6. If Applicant is other than the owner of the subject property, a consent form executed by the owner authorizing the Applicant to proceed before the Board.			
7. Information as to ownership. If Applicant is a corporation or partnership, a list of 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, as required by N.J.S.A. 40:SSD-48.1, 40:SSD-48.2			
8. Listing of all approvals, including any variances and/or exceptions being sought, with reference to the specific applicable ordinance provision(s) and an explanation of the reasons why such variance or exception is being requested			
9. If public notice of the hearing on the application is required pursuant to the Municipal Land Use Law, N.J.S.A. 40:SSD-12, and/or the ordinances of Ridgefield Park, Applicant shall submit a list of property owners within 200 feet of the subject property. The list shall include the names and addresses as shown on the municipal tax records. Applicant may apply to the Administrative Officer for a municipally certified list of property owners within 200 feet of the subject property			
10. Copies of any prior resolutions or documentation regarding past decisions involving the property			
11. Copies of any easements or deed restrictions or covenants affecting use of the premises.			
12. If Applicant is a corporation, name of attorney who shall be representing the Applicant			
13. A schedule of zoning requirements applicable to the property and a showing of whether or not the application is in conformance with such requirements. The schedule shall be indicated on the site plan. (This shall not be a requirement on applications for final major subdivision or site plan approval.)			
14. Except for final major subdivision or final site plan applications, floodplains and/or wetlands delineated on the plans or, if none, certification by a licensed engineer that, based on a review of the National Inventory Wetlands Map and a physical inspection of the premises, there are no wetlands or floodplains designated			
15. A list, included in the application, of all other governmental agencies which must review the location and issue an approval thereon			
Additional Required Submissions for Specific Types of Applications			
Subdivision Applications			
IT. Informal Subdivision Plat for Review and Classification and for Minor Subdivisions			
A) All applications to be submitted in plat form and all plats shall conform to the submission requirements, drawn by a land surveyor, and all drawings of			

RIDGEFIELD PARK CODE

	Complies	Deficient	Waiver Sought
improvements shall be prepared by a professional engineer, and all such drawings shall bear the signature, embossed seal, license number and address of the preparer			
B) The subdivision plat shall meet the following requirements:			
1. Clearly and legibly drawn			
2. Graphic scale of not less than 1 inch equals 100 feet			
3. Existing and proposed street and lot layout, with dimensions, showing that portion proposed for development in relation to the entire tract			
4. Existing lot lines to be eliminated			
5. Area of original tract and of each proposed lot			
6. Basic intent for water and sewage treatment			
7. Contours based on United States Geodetic Survey data.			
8. Existing structures and uses			
9. All setback lines as well as the shortest distances between buildings and proposed or existing lot lines.			
10. All rivers, ponds and streams and drainage rights-of-way, including the direction of flow; the location of all drainage structures; and the approximate location of wooded areas, flood hazard areas and floodway lines, steep slopes, wetlands and swamps. Soil logs are not required. However, where the slope and soil conditions indicate problems may be encountered, soil logs as required for the preliminary plat may be advisable			
II. Existing and proposed rights-of-way and easements within and adjoining the tract, with sight triangles shown. Proposed access points and parking areas shall be included on site plans			
12. The Tax Map sheet, block and lot number for the tract and all adjacent lots; a title, including the words "Informal Plat for Review and Classification;" North arrow; space for the application number; the date of the original drawing and the date and substance of each revision			
13. Zoning district(s)			
14. The name, address, signature and phone number of the owner, developer and person preparing the plat			
15. A key map with North arrow showing the entire development and its relation to surrounding areas.			
Subdivision Applications			
III. Preliminary Subdivision Application			
A) All plats shall be drawn by a land surveyor, and all drawings of improvements shall be prepared by a professional engineer, and all such drawings shall bear the signature, embossed seal, license number and address of preparer			
1. Clearly and legibly drawn			
2. Graphic scale of not less than 1 inch equals 100 feet			
3. Based on certified boundary survey			
4. Sheet sizes of 30 inches by 42 inches, 24 inches by 36 inches, 15 inches by 21 inches or 8 1/2 inches by 13 inches. If more than one sheet is required to show the entire subdivision, one composite map shall show the entire subdivision with reference to the sheets on which the various sections are shown			
5. Key map with North arrow showing the entire subdivision in relation to surrounding areas, including the names of principal roads, and at a scale of not less than 1 inch equals 2,000 feet			
6. Title block with the name of the subdivision; the name of the municipality; Tax Map sheet, block and lot number; date of preparation and most recent revision; meridian; North arrow; graphic scale; the names, addresses, phone numbers and signatures of the owner, developer and person(s) who prepared the plates), including the seal of the latter; and space for the application number			
7. The names of all property owners within 200 feet of the limits of the development as disclosed on the most recent municipal tax records			
8. Tract acreage to nearest 1 // ,000 of an acre; the number of new lots; each lot line dimension scaled to the nearest foot; and each lot area to the nearest square foot			
9. Existing and proposed contours at two-foot intervals for areas with less than a ten-percent slope, at five-foot intervals for areas with slopes in excess of 10%. For tracts containing slopes in more than one category, the developer shall show every ten-foot contour with a wider line. In instances where there is more than one slope category or where there is a flat surface, the approving authority may allow some other satisfactory contour intervals and/or additional			

DEVELOPMENT REGULATIONS

	Complies	Deficient	Waiver Sought
topographic data to meet the objectives of this section. All elevations shall be related to a bench mark noted on the plan and be based on United States Geodetic Control Survey, mean sea level datum.			
10. Location of existing natural features such as soil types, slopes exceeding 10%, wooded areas, rock outcroppings, views within the development and the location of individual trees outside wooded areas having a diameter of 6 inches or more as measured 5 feet above ground level			
11. Plans and computations for any storm drainage systems, including existing or proposed storm sewer lines within or adjacent to the development, and all required off-site and off-tract drainage improvements, showing size, profile and slope of the lines, direction of flow and the location of each drainage inlet, manhole, culvert and headwall			
12. Plans, cross sections, center-line profiles, tentative grades and details of proposed and existing utilities and all improvements within street rights-of-way in the tract, including the type and width of street pavement, curbs, sidewalks, bike routes, shade tree planting, all utilities, including water, sewer, gas, electric, telephone and cable television, and facilities such as storm drainage facilities, detention ponds and erosion control. At intersections, the sight triangles, radii or curb lines, crosswalks, curb ramps and street sign locations shall be shown. Final street naming may be deferred			
13. The names, locations, widths and purpose(s) of existing and proposed easements, streets and other rights-of-way in the development. The text of any deed restriction shall be included.			
14. The locations and description of all monuments, existing and proposed.			
15. All lot lines that exist and will remain, those proposed and those to be eliminated. All setback lines with dimensions and municipal boundaries, if within 200 feet, shall be shown. Any lot(s) to be reserved or dedicated to public use shall be identified. Each block shall be numbered and the lots within each block shall be numbered as assigned by the Village Tax Assessor			
16. Locations of all existing structures and their use(s) in the tract and within 200 feet, showing existing and proposed front, rear and side yard setbacks, structures of historic significance and an indication of existing structures and uses to be retained and those to be removed			
17. Utility plans shall show feasible connections to existing or proposed utility systems, with a letter from the serving company stating that service will be available before occupancy of any proposed structures			
18. Zoning district(s) and zoning district lines			
19. An itemization of all improvements to be made on-site, off-site, on-tract and off-tract in accordance with the standards specified in §§ 96A-30 through 96A-52			
IV. Final Subdivision Plat			
A) A final subdivision plat shall meet the following requirements and contain the following information:			
1. Clearly and legibly drawn			
2. Graphic scale of not less than 1 inch equals 100 feet unless a larger scale is approved by the Municipal Engineer that is large enough to contain legibly written data on dimensions bearings and all other details of the boundaries			
3. Drawn by a licensed land surveyor in compliance with the Map Filing Law <N.J.S.A. 46:23-9.9 et seq.>			
4. Sheet sizes of 30 inches by 42 inches, 24 inches by 36 inches, 15 inches by 21 inches or 8 1/2 inches by 13 inches. If more than one sheet is required to show the entire subdivision, a separate composite map shall be drawn showing the entire subdivision on one sheet and the sheets on which the various sections are shown			
5. The submission for final plat approval shall show the following, except that the plat to be filed with the county recording officer need only contain the data required for filing with the county and all other data may be submitted on separate sheets:			
(a) Signature blocks for the approving authority, Municipal Engineer and other endorsements required by law			
(b) Tract boundary lines; municipal boundary line if within 200 feet of the tract being subdivided; street names; all lot lines and other site lines with accurate dimensions, bearing or deflection angles and radii, arcs and chord			

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	Complies	Deficient	Waiver Sought
bearings, with the distances of all curves, all based on an actual survey by a land surveyor licensed to practice in the State of New Jersey; minimum building setback lines; and the area of each lot shown to the nearest square foot. All dimensions, both linear and angular, of the exterior tract boundaries shall be based on and calculated from surveyed traversing which shall have an apparent error of field closure of 1: 1 0,000 or better and shall be corrected by accepted balancing methods to final errorless closure. All final exterior and lot boundaries shall be similarly balanced to final errorless closure			
(c) Block and lot numbers in accordance with established standards and in conformity with the Village Tax Map as approved by the Village Tax Assessor, and all street numbers, where appropriate, shall be designated as specified by the approving authority.			
6. The final plat shall be accompanied by the following:			
(a) A copy of the preliminary plat revised to show all conditions and changes required by the approving authority at the time of preliminary approval			
(b) A statement that the applicant is agent or owner of the land or that the owner has given consent to the development			
(c) Appropriate local, county and state approvals			
V. Requirements for Site Plan Application			
A)General requirements for all site plans			
1. Plat conformity. All applications shall be submitted in plat form and all plats shall conform to submission requirements. All plats shall be drawn by a licensed New Jersey land surveyor and shall bear the signature, embossed seal, license number and address of the land surveyor, except that plats submitted under the informal discussion provisions and sketch plats of minor site plans are exempt from this requirement. All drawings showing improvement designs shall bear the signature and embossed seal, license number and address of a licensed professional engineer of the State of New Jersey.			
B)Requirements for informal site plan for review and classification and minor site plan			
1. Lot line			
2. Proposed buildings			
3. Proposed uses			
4. Parking, loading and on-site circulation			
5. Driveways			
6. Wooded areas			
7. Approximate on-site or on-tract storm water detention facilities and water and sewer service			
C)Requirements for preliminary site plan plat			
1. (a) A minimum graphic scale of 1 inch equals 10 feet, 20 feet, 30 feet, 40 feet or 50 feet			
(h) Certified by a New Jersey licensed architect or engineer			
(c) Include accurate lot lines certified by a New Jersey licensed land surveyor.			
(d) Submitted on 1 of 4 of the following standard sheet sizes: 8 1/2 inches by 13 inches, 15 inches by 2 1/2 inches, 24 inches by 36 inches or 30 inches by 42 inches			
(e) One composite map shall show the entire development with reference to the sheets on which the various sections are shown			
(f) All lot lines and the exterior boundaries of the tract			
(g) North arrow;			
(h) Zone district(s) in which the tract is located			
(i) Date of original drawing and each subsequent amendment			
(D Existing and proposed streets and street names			
(k) Existing and proposed contours at two-foot intervals throughout the tract and within 100 feet of any building or paved area under review.			
(l) Title of the plan; streams; total area to 1/4 square foot; total number of parking spaces; all dimensions, areas and distances needed to confirm conformity with the chapter, such as but not limited to building lengths, building coverage, lot lines, parking spaces, loading spaces, setbacks and yards; a small key map giving the general location of the parcel within the village			
(m) A separate map showing the site in relation to all remaining lands in the			

DEVELOPMENT REGULATIONS

	Complies	Deficient	Waiver Sought
present owner's ownership			
D) Requirements for preliminary and final site plan plat			
1. Environmental impact report			
2. Building and use plan. The plan shall show the size, height, location, arrangement and use of all proposed structures and signs, including architect's scales elevation of the front, side and rear of any structure and sign (existing structures shall be identified as either to remain or to be removed and written description of the proposed use(s) of nonresidential buildings, including the number of employees or members, the proposed number of shifts to be worked and the maximum number of employees on each shift, expected truck and tractor-trailer traffic, emission of noise, glare, vibration, heat, odor, air and water pollution, safety hazards and anticipated expansion plans incorporated in the building design. Floor plans shall be submitted. In apartment and townhouse projects, the number of dwelling units, by type, shall be shown			
3. Circulation plan. This plan shall show access streets by name, acceleration/deceleration lanes, curbs, sight triangles, traffic channelization, traffic signs, easements, fire lanes, driveways, parking and loading spaces, pedestrian walks, bikeways and related facilities for the movement and storage of goods, vehicles and persons. Cross sections and construction plans of streets, walkways, parking lots and other paved and curbed areas shall be included. Sidewalks shall be shown along expected paths of pedestrian travel, such as but not limited to access from buildings to parking lots, driveways and other buildings on the site. Any building expansion plans shall show feasible parking and loading expansion			
4. Natural resources and landscaping plan. This plan shall show existing and proposed wooded areas, buffer areas, including the intended screening devices and buffers, seeded and/or sodded areas, ground cover, retaining walls, fencing, signs, recreation areas, shrubbery, trees and other landscaping features. This plan shall show the location and type of man-made improvements and the location, number, species and caliper of plant material and trees to be located on the tract. All portions of the property not utilized by buildings or paved surfaces shall be landscaped, utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage and the planting of coniferous and/or deciduous trees native to the area in order to maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas. The established grades and landscaping on any site shall be planned for aesthetic, drainage and erosion control purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and siltation as outlined under the soil erosion and sediment control, floodplain and drainage provisions, as well as assuring that the capacity of any natural or man-made drainage system is sufficient to handle the water from the site and contributing upstream areas			
5. Facilities plan. This plan shall show cross sections and typical details as well as the locations of existing and proposed drainage and stormwater runoff; open space; common property; fire, gas, electric, telephone sewerage and water lines; lighting; and solid waste collection and disposal methods, including proposed grades, sizes, capacities and materials to be used for facilities installed by the developer. Installations by utility companies need only show their locations on the plat. All easements acquired or required on tract and off tract shall be shown, and copies of legal documentation that support the granting of an easement by the owner of an off-tract lot shall be included. All proposed lighting shall include the direction, angle and height of each source of light. All utilities shall be installed underground. All required state and federal approvals for environmental considerations shall be submitted prior to preliminary approval or be a condition of approval. All public services shall be connected to approved public utility systems			
E) Final site plan plat. The final plat shall follow preliminary site plan requirements and shall include all changes required as a condition of preliminary approval			
VI. Variance Applications			
1. Identification of all sections of Zoning Ordinance from which relief is sought			
2. Statement of reasons why variance (s) is needed			
3. For bulk variances involving single- or two-family residences, a sketch plat or survey showing:			

RIDGEFIELD PARK CODE

	Complies	Deficient	Waiver Sought
(a) Existing and proposed development			
(b) Setbacks			
(c) Lot and building dimensions			
4. For "d" variance applications, statement of legal basis for grant of variance which must include:			
(a) A list and explanation of the specific special reason(s) advanced demonstrating that the proposed variance would not cause detriment to the intent and purpose of the Township Zoning Ordinance			
(b) Explanation of how requested variance would be consistent with goals and provisions of master plan			
(c) Reasons why proposed development would pose no substantial harm to surrounding properties or the Township generally			
(d) If proposed use is not "inherently beneficial," list and explain the unique features of site giving rise to variance and indicate particular suitability of site, as compared to other locations in Township, for proposed use			
5. For "d" variances and on the variance portion of a bifurcated application, a concept plan showing:			
(a) Existing development			
(b) Proposed development			
(c) Existing and proposed building dimensions and locations			
(d) Lot dimensions			
(e) Location of structures on adjoining and surrounding lots			
(f) Lot lines of adjoining and surrounding lots			
(g) Ordinance-required setback lines			
(h) Access location(s)			
(i) Master Plan section(s) relative to site in question and Master Plan section(s) relative to proposed use (if any)			
(j) Area map showing vicinity and location			

