

**TOWNSHIP OF CEDAR GROVE
ESSEX COUNTY, NEW JERSEY**

AGENDA ITEM: #2(a)

DECEMBER 22, 2025

PASSED ORDINANCE NO. 25-961

**AN ORDINANCE AMENDING CHAPTER 268 OF THE CODE OF THE TOWNSHIP
OF CEDAR GROVE ENTITLED ZONING**

BE IT ORDAINED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that Chapter 268-2 of the Code of the Township of Cedar Grove entitled "ZONING: Word Usage and Definitions" that certain words and definitions are hereby amended to read as follows:

B. Certain words and terms in this chapter are defined for the purpose thereof as follows:

CHANGE OF USE

Any new non-residential use which differs from the previous use of a non-residential structure or land by way of function, operation, extent or products sold, handled or manufactured and the like, including a change from one permitted use to another kind of permitted use in the same zone, as well as any change in activity which changes, alters or enlarges the previous use or structure or which will change, alter, enlarge or affect drainage, traffic, parking, sidewalks, paving, landscaping, fencing, sanitary disposal or other similar consideration.

COMMON AREA

An unoccupied open space on a lot around which or on the opposite sides of which two or more principal buildings face.

COURT YARD

An open unoccupied space enclosed or partially enclosed by three or more intersecting walls of a building or buildings on the same lot. For the purpose of this chapter, the space included between two walls which intersect at an angle of less than 90° shall be considered a court.

DENSITY

The permitted number of dwelling units per gross area of land that is the subject of an application for development, including noncontiguous land, if authorized by municipal ordinance or by a planned development.

FLOOR AREA RATIO

The sum of the area of all floors of buildings or structures compared to the total area of land that is the subject of an application for development, including noncontiguous land, if authorized by municipal ordinance or by a planned development.

IMPERVIOUS COVERAGE

Any constructed hard surface that replaces open soil, lawns, naturally vegetated areas or landscaped areas or prevents or retards the flow of water into the soil, including, but not limited to sidewalks, patios, decks, parking areas and driveways constructed of asphalt, concrete, pavers or gravel. This definition shall also include areas covered by

rooftops whether or not same has replaced open soil, lawns, naturally vegetated areas or landscaped areas.

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, CORNER

A parcel of land with two or more adjacent sides abutting upon streets. Each street side shall be considered a front yard. If the street frontages are equal the lot shall have two front yards and two rear yards. If one street frontage is smaller, the opposite yard shall be considered a rear yard and the remaining yard shall be a side yard.

SETBACK

Shall mean a line drawn parallel to a lot line and drawn to the point of the building nearest to the lot line, beyond which a building does not project. The minimum yard requirements shall be the minimum required setbacks. The following specific features of a principal building shall be excluded from the setback requirement, provided that they extend into the setback area by not more two feet: bay windows, chimneys, overhangs, steps.

STEEP SLOPE

Any slope equal to or greater than 15 percent as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of 2 feet or less.

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. Underground pipes, conduits, drains, utilities and any stormwater management device that is regulated under Chapter 228 is excluded.

YARD, FRONT

An open unoccupied space extending across the full width of the lot and lying between the property line of the lot and the nearest line of any building. The depth of the front yard shall be measured at right angles to the property line. The required front yard area is that space extending across the full width of the lot and lying between the property line of the lot and the required front yard setback line.

BE IT FURTHER ORDAINED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that Chapter 268-7B of the Code of the Township of Cedar Grove entitled "ZONING: Lighting and Glare" be hereby amended to read as follows:

B. All fixtures shall be ~~fully~~ shielded to reflect light downward and to reduce light spillage to unintended areas, whether on-site or an adjoining property, and to prevent skyglow. Wall-mounted flood- or spotlights shall be aimed no higher than 45° from vertical.

BE IT FURTHER ORDAINED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that Chapter 268-10.1 of the Code of the Township of Cedar Grove entitled "ZONING: Fences and Walls" be hereby amended to read as follows:

- a. Fences and walls may be located in any front, side, and/or rear yard of any property in any district in the Township.
- b. With the exception of fences erected for screening of outdoor storage or refuse disposal units, fences, whether attached to the principal building or not, are exempt from setback requirements as otherwise stipulated for accessory structures.
- c. All walls, screening or retaining, whether attached to the principal building or not, shall be a minimum of two (2) feet from any property line.
- d. Except as specifically provided otherwise in this chapter, any fence, wall, or combination fence/wall built within the front yard shall not exceed four feet in height, and any fence, wall, or combination thereof built upon the remainder of any lot shall not exceed six feet in height. These limitations shall ~~not~~ apply to retaining walls and shall be subject to change at the discretion of the municipal agency in any matter requiring site plan review.
 - a. For terraced retaining wall systems, should the distance between the lower and upper terraced wall be less than two times the height of the lower wall, the walls are “dependent” walls and the height shall be calculated as one wall.
 - b. Structural calculations are required for all retaining walls over 4-feet in height.
 - c. All walls over 4-feet tall shall be inspected by a Professional Engineer and a certificate shall be provided to the Township upon completion.
- e. All fences shall be constructed with the finished side facing out and away from the property on which the fence is located.
- f. No fence or wall shall be erected which will encroach upon a public right-of-way, adjacent property, or sight triangle easement established pursuant to this chapter.

BE IT FURTHER ORDAINED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that Chapter 268-10.5E of the Code of the Township of Cedar Grove entitled “ZONING: Lighting and Glare” be hereby amended to read as follows:

Outdoor display of products and merchandise for retail sale is a permitted accessory use to retail stores and shops in the B, and RC Zones, subject to the following restrictions:

E. No outdoor display shall be located within any parking space, public right-of-way or so situated as to interfere with a required site triangle area. All display materials, equipment, and appurtenances must be located and securely placed so as not to impede the safe flow of pedestrian and/or vehicular traffic.

BE IT FURTHER ORDAINED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that Chapter 268-10.9H of the Code of the Township of Cedar Grove entitled “ZONING: Home Occupations” be hereby amended to read as follows:

Home occupations shall be compatible with the underlying residential use of the properties and the neighborhoods in which they are located. No home occupation shall impair the residential character of the dwelling or neighborhood in which it is located. The allowable space for the home professional office shall be such of a resident professional person such as a physician, dentist, lawyer, minister, architect, optometrist, professional engineer, chiropractor, conducting the licensed professional practice of their occupations. Each application will be reviewed by the Township. Home

occupations shall be permitted as an accessory use in all one-family residential zones in accordance with the following standards:

H. Site plan approval is not required. However, a plan, to scale, shall be submitted to the Zoning Officer with the application showing the area dedicated for the home professional use within the residential dwelling space.

BE IT FURTHER ORDAINED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that Chapter 268-11.1 of the Code of the Township of Cedar Grove entitled "ZONING: Steep Slope Requirements" be hereby amended to read as follows:

A. Applicability

This section shall be applicable to any application for development or land disturbance to steep slopes within the Township of Cedar Grove.

B. Steep Slope Limits.

1. For steep slopes any disturbance shall be prohibited except as provided below:

- Redevelopment within the limits of existing impervious surfaces; and
- Disturbance on areas of steep slopes shall be limited according to the following schedule:

Extent of Slope	Maximum Extent of Disturbance of Sloped Area
15 – 19.99%	30%
20 – 24.99%	10%
25 % +	No disturbance permitted

2. The applicant shall demonstrate through site plans to the appropriate Board having jurisdiction over the development application that the proposed development and topography of the new disturbance is not located in areas with a 25% or greater slope and does not exceed the limit of development above.

C. Applications Which Require Planning Board and/or Zoning Board Approval.

1. Applications for development of any lot containing slopes in excess of 15% shall be accompanied by a steep slope analysis showing slope classes of 0% to 14.99%, 15% to 19.99%, 20% to 24.99%, and greater than 25%. The analysis shall be based upon a topographic survey, prepared by an appropriately licensed NJ professional, which shows elevations at 2 foot intervals with slopes measured between adjacent contour lines.
2. The Board of Adjustment or Planning Board, when reviewing variance applications pursuant to N.J.S.A. 40:55D-70 to the standards set forth in §268-11, as part of its consideration and determination of the statutory positive and negative criteria, shall consider the following:
 - a. For applications to exceed the limits on disturbance on slopes of 15 – 19.99% and 20 – 24.99% the applicant must demonstrate that:
 - That without relief, the strict application of the limits of disturbance would result in an extraordinary practical difficulty or hardship upon the applicant, or that the relief would advance the purposes of the

Municipal Land Use Law;

- The extent of relief is the minimum needed to permit reasonable utilization of the site;
 - All applicable standards regarding stormwater management will be satisfactorily addressed including the proper protection and stabilization of all disturbed areas consistent with the design techniques established by the Soil Erosion and Sediment Control Standards, adopted and amended by the New Jersey State Soil Conservation Committee; and
 - The proposed development adheres to the design guidelines for steep slopes at the greatest practicable extent.
- b. For application to disturb slopes greater than 25%, the applicant must demonstrate that:
- All utility of the site for its zoned use would be effectively foreclosed without the requested relief;
 - The extent of relief is the minimum needed to permit reasonable utilization of the site;
 - All applicable standards regarding stormwater management will be satisfactorily addressed including the proper protection and stabilization of all disturbed areas consistent with the design techniques established by the Soil Erosion and Sediment Control Standards, adopted and amended by the New Jersey State Soil Conservation Committee; and,
 - The proposed development adheres to the design guidelines for steep slopes at the greatest practicable extent;
 - For every 250 square feet of 25% or over steep slope disturbed, the maximum allowable impervious cover shall be reduced by 2%.
3. No variance or other relief may be granted 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 the purpose of the zone plan and the zoning ordinance. The applicant will be required to post a bond, prior to building permit issuance, of an amount satisfactory to the Board's Engineer, that will be held by the Township to restore and/or stabilize a site that has been disturbed and not properly stabilized for more than 6 months (this is not to be interpreted as replacing the timing for compliance with the Soil Erosion and Sediment Control Standards and the jurisdiction of the Hudson-Essex-Passaic County Soil Conservation District). The bond shall not be released until the Township Engineer has certified that permanent stabilization has been achieved.
4. Applications for development of any lot containing slopes in excess of 15% shall conform to the design guidelines in this section.
- D. Existing Improved or Developed Lots That Do Not Require Planning Board or Zoning Board Approval and Contain Slopes Greater Than 15 Percent.
1. Applications for building permits or for site disturbance on pre-existing lots containing slopes in excess of 15% shall be accompanied by a steep slope analysis showing slope classes of 0% to 14.99%, 15% to 19.99%, 20% to 24.99%, and greater than 25%. The analysis shall be based upon a topographic survey, prepared by a licensed NJ surveyor (PLS) or engineer (P.E.), which shows elevations at 2

foot intervals with slopes measured between adjacent contour lines.

2. The applicant may apply to the Township Engineer for permission to limit the extent of the topographic survey to be submitted if, for instance, only a small portion of the lot will be impacted by the proposed improvements/site disturbance. Alternatively, the applicant's engineer may demonstrate that the proposed improvements/site disturbance is of such a de minimis extent, proven by analysis using existing LiDAR topographic data (New Jersey Highlands Council), is sufficient to provide adequate information for the Township Engineer to review such proposed improvements/site disturbance.
 3. Any application for a building improvement, either freestanding (such as a shed) or an addition to an existing structure (including decks), which involves combined building coverage and site disturbance of not more than 100 square feet in area shall be exempt from the requirements of this section, provided that the applicant has not previously applied for such exemptions within 3 years of the date of application.
 4. The Zoning Officer shall review and have the authority to approve applications for disturbance of slopes in connection with building permits or for site disturbance on pre-existing improved or developed lots which conform to the requirements of §268-11.1B
 5. Applications for site disturbance which are limited solely to removal of trees and/or vegetative cover need not include a grading plan in the submission, except for operations requiring road construction and/or heavy equipment access.
- E. Design Guidelines for Development on Steep Slopes.

Due to the environmental sensitivity of steep slopes, development of properties which contain steep slopes should be carefully designed to minimize adverse environmental impacts. Applicants proposing development on steep slopes shall conform their site design to the following guidelines to the greatest practicable extent.

1. Development on steep slopes should produce the minimum feasible site disturbance in areas of steep slope. Site improvements should be clustered on lands of relatively low slope;
2. The development should be consistent with the natural contour of the site, and minimize grading and alterations of natural landforms. All disturbances of steep slopes shall be stabilized with temporary and permanent erosion control consistent with anticipated sunlight levels, extent and degree of disturbance, and manufacturers criteria and methods
3. Padding or terracing of building sites should be minimized
4. The development should retain natural topographic features such as drainage swales, stream beds and banks, ridge line vistas, rock outcrops and mature plant formations. Natural points of runoff discharge shall not be altered, and no new locations of stormwater discharge shall be proposed. Additional volume of runoff generated shall be infiltrated to the maximum extent. Disturbed runoff paths shall receive permanent stabilization, such as with a Turf Reinforcement Mat or other substantial product acceptable to the Board's Engineer.
5. The development should minimize the extent to which it impairs the visual integrity of the slopes when viewed from publicly accessible vantage points
6. The development should provide for protection of maximum feasible vegetation of

- the steep slope; and,
7. Mature trees should be retained and integrated into new hillside residential development. Existing live trees with a trunk diameter of at least 8 inches measured 4 feet above the grade which are located within the area of the proposed site disturbance or within any portion of the site under 25% slope within 50 feet thereof shall be located on the site survey. The removal of any such trees is prohibited unless it is specifically permitted by the Board of Jurisdiction.
 8. Exposed soils and topsoil piles should be adequately stabilized throughout construction according to regulations and best management practices established by the United States Department of Agriculture – Natural Resource Conservation Service.
 9. The scale of new buildings should be compatible with existing structures. Single story elements, setbacks, overhangs, roof pitches, and landscaping should be used to minimize the impact of exterior wall surfaces.
 10. Roofs should be fragmented to avoid a monotonous appearance while following the angle of the slope.
 11. The maximum height of a proposed building should not exceed the mid-point of the tallest building on the adjacent uphill lot.
 12. All new structures should be setback a minimum of 50 feet from a ridge top.
 13. The limits of clearing on the construction site must be tightly drawn around the area of proposed disturbance. All natural vegetation outside of this area shall be protected during construction through the placement of snow fencing at drip lines and other means of vegetative protection.

BE IT FURTHER ORDAINED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that Chapter 268-13 of the Code of the Township of Cedar Grove entitled “ZONING: (Reserved)” be hereby amended to read as follows:

Zoning permit required for change of use, change of occupancy or change of ownership.

A. Issuance of zoning permit.

No non-residential property or building subject to a change of use, change in occupancy or change in ownership, in whole or in part, shall be occupied or used for any purpose, and no certificate of occupancy, building permit, demolition permit or similar permit shall be issued and no site improvements, including excavation or construction or public or private improvements, shall be commenced until the Zoning Officer of the Township of Cedar Grove has issued a Zoning Permit for such property. If the subject property complies with all provisions of the Township Code, all matters incorporated by the Township Engineer, any lawful prior orders issued under the authority of the construction, property maintenance, fire prevention and health codes are properly abated, all prior conditions established by site plan, subdivision or variance approvals are satisfied, and the subject property is not subject to site plan approval as set forth below, the Zoning Officer shall issue the zoning permit within 10 business days of receiving a complete application and evidence that all property taxes and all other Township charges have been paid on the subject property. Otherwise, the Zoning Officer shall deny the application within the ten-day period, citing the reason or reasons for such denial.

B. Zoning permit subject to site plan approval.

If site plan approval is required pursuant to § 268-40, as determined by the Zoning Officer, no zoning permit shall be issued until a site plan for the subject site is approved by the Planning or Zoning Board. If the Zoning Officer determines that site plan approval is required, the Planning or Zoning Board may waive the requirement for site plan approval if the Board determines that the change in use, occupancy or ownership will have no adverse effect on drainage, traffic, parking, sidewalks, paving, landscaping, fencing, sanitary disposal or other similar considerations.

C. Exemptions.

(1) Changes in the use, ownership or occupancy of a residential Dwellings, or a residential portion only of a mixed-use building, shall be exempt from the requirements of this section.

(2) Any change of ownership which is exempt from the payment of the realty transfer fee imposed under New Jersey Public Law 1968, c. 49, as amended, by reason of a deed for a consideration of less than \$100; which confirms or corrects a deed previously recorded; between husband and wife, parent and child; by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of the State of New Jersey; or recorded within 90 days following the entry of a divorce decree which dissolves the marriage between the grantor and grantee, shall be exempt from the requirements of this section.

D. Fees.

The fee for a zoning permit is more particularly set forth in §195-12. Application forms are available from the Township Clerk or Zoning Officer.

E. Violations.

Failure of an owner, agent or occupant to comply with this section may result in the issuance of administrative penalties and violations. Each violation of this section shall constitute a separate offense and a summons may be issued for each and every day that a zoning permit is not obtained. Each separate offense may result in a summons being issued with a maximum daily penalty of \$500 per instance. Repeat offenders will be assessed an additional penalty of \$250 per day.

F. Zoning Officer.

Any reference to Zoning Officer set forth in this section shall be deemed to include any designee of the Zoning Officer.

F. Change in use or occupancy.

A change in use or occupancy of a building or land in all zoning districts requires site plan approval if one or more of the following criteria is met as determined by the Zoning Officer or his designee:

[1] The previous use never received required site plan approval.

[2] The proposed use requires more off-street parking than the previous use based upon the parking requirements of this chapter.

[3] The proposed use has different loading requirements that require deliveries by vehicles that exceed 30 feet in length.

[4] The proposed use involves the storage or handling of chemicals or

hazardous substances.

[6] The proposed use will generate a greater amount of solid waste, requiring one or more dumpsters to be stored outside.

[7] The proposed use will increase traffic flow to and from the site and will impact on site traffic circulation.

BE IT FURTHER ORDAINED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that Chapter 268-17.4 of the Code of the Township of Cedar Grove entitled "ZONING: Required Parking Spaces" be hereby amended to include the additional subsections after Paragraph A as follows:

- B. Off-street parking requirements for a combination of uses: The parking requirement for each use shall be computed separately and then added together to compute the total number of required parking spaces. For uses not enumerated, the reviewing Board shall determine the required number of spaces, utilizing as a standard the requirements for the uses which are specifically enumerated in Subsection A hereof.
- C. A partial parking space should be rounded up to the next whole number.
- D. If a use is not listed in the Schedule of Regulations, then the number of required off-street parking spaces shall be determined by the parking demand data of the most current ITE Parking Generation Manual.

BE IT FURTHER ORDAINED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that Chapter 268-33(A) of the Code of the Township of Cedar Grove entitled "ZONING: Procedure" be hereby amended read as follows.

- A. An application for a conditional use approval for any uses specified as such in this chapter shall be made to the Planning Board which shall grant or deny such application within 95 days of the date the application is deemed complete, or within such further time as may be consented to by the applicant. The Planning Board shall hear the application in the same manner and under the same procedure as is set forth in this chapter for site plan review, except, if a conditional use approval requires a variance from a condition, specification or standard pursuant to N.J.S.A. 40:55D-70(d)(3), in which case the Application shall be made to the Zoning Board of Adjustment, which shall grant or deny such application within 120 days of the date the application is deemed complete, or within such further time as may be consented to by the applicant.

BE IT FURTHER ORDAINED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that the Title of Chapter 268-43.1 of the Code of the Township of Cedar Grove entitled "ZONING: Required documents and information for minor site plans" be hereby amended read as follows.

Required checklist, documents, and information for minor site plans.

BE IT FURTHER ORDAINED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that the Title of Chapter 268-43.2 of the Code of the

Township of Cedar Grove entitled "ZONING: Required documents and information for major site plans" be hereby amended read as follows.

Required checklist, documents, and information for minor site plans.

BE IT FURTHER ORDAINED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that the Title of Chapter 268-51 of the Code of the Township of Cedar Grove entitled "ZONING: Required documents and information" be hereby amended read as follows.

Required checklist, documents, and information for minor site plans.

BE IT FURTHER ORDAINED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, as required by N.J.S.A. 40:55D-64, prior to the hearing on adoption of this ordinance, the Township Clerk shall send a copy of this ordinance to the Cedar Grove Planning Board for its review and comment pursuant to N.J.S.A. 40:55D-26.

INTRODUCED BY: Councilman Zazzali

SECONDED BY: Councilwoman Skabich

ROLL CALL VOTE				
COUNCILMEMBER	YES	NO	ABSTAIN	ABSENT
Peterson				X
Skabich	X			
Zazzali	X			
Maceri	X			
Mega	X			

I HEREBY CERTIFY the foregoing to be a true copy of an ordinance adopted by the Township Council of Cedar Grove, in the County of Essex, following public hearing, at its meeting held on December 22, 2025.



Dale A. Forde
Township Clerk