

VILLAGE OF RIDGEWOOD
ORDINANCE NO. 3973

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 190 OF THE CODE OF THE VILLAGE OF RIDGEWOOD, LAND USE AND DEVELOPMENT, AND A SECTION OF CHAPTER 145 ENUMERATION OF FEES

BE IT ORDAINED by the Village Council of the Village of Ridgewood:

Section 2. Chapter 190, Land Use and Development of the Code of the Village of Ridgewood is hereby amended as follows:

ADD

Chapter 190, Section 190-119 General Provisions.

- A. Yards. There shall be provided for every lot front, rear and side yards as required in the zone district in which such lot is located. No open space which has been counted or included as a part of a side yard, rear yard, front yard, court or other open space as required by this chapter for one building may, by reason of change of ownership or for any other reason, be counted or included in order to comply with the yard, court or other open space requirement of any other building. In addition, the following general regulations shall apply:
- (1) Front yards.
 - (a) All front yards must face upon a dedicated public street and shall be of the size required for the particular zone district in which the lot is located, provided that, on streets less than 50 feet in width, the required front yard shall be increased by 1/2 the difference between the width of the street and 50 feet, and provided further that any lot which abuts a street with a proposed right-of-way greater than 50 feet in width as shown on the master plan for streets of the Village shall have a front yard setback measured from the nearest line of the proposed building or structure to the proposed right-of-way line shown on such master plan. In the event a street, or part thereof, is located within an easement, or is proposed to be widened within an easement, rather than within a dedicated right-of-way, the front yard setback shall be measured from the easement line.
 - (b) In the B-1 and B-2 Zone Districts, all new buildings and additions to existing buildings shall conform to the existing established front yard setback line of the buildings located on each side of the subject property. In the event that the front yard setback on each side of the subject property is not the same distance from the center line of the abutting street in question, then the Planning Board, as part of site plan review, shall determine the required setback line for the subject property which shall not be less than the setback of the abutting

property that is closest to the street right-of-way line nor greater than the setback of the abutting property that is farthest from the street right-of-way line.

- (c) In the B-1 and B-2 Zone Districts, where there are no adjacent buildings that are located in the business districts to determine the required front yard setback, the following minimum dimensions shall apply:

[1] B-1 interior lots shall have a minimum front yard setback of zero feet.

[2] B-1 corner lots shall have a minimum front yard setback of five feet.

[3] B-2 interior lots shall have a minimum front yard setback of five feet.

[4] B-2 corner lots shall have a minimum front yard setback of 10 feet.

- (d) Mean Prevailing Front Yards. Where an application for development is located in the R-125, R-110, R-1, R-2, or R-3 Zone in an area with a standard lot pattern and established residential character, the required front yard shall be determined by calculating the mean prevailing front yard. The purpose of establishing a mean prevailing front yard is to ensure that new construction or additions are consistent with the established streetscape in the Village's neighborhoods.

The mean prevailing front yard shall not be calculated in parts of the village with a pattern of irregular lot shapes and sizes and for streets defined by curves and elevation changes that do not have a consistent streetscape.

Prior to the submission or filing of any development application which may involve the 'Mean Prevailing Front Yard', it shall be applicant's obligation to have the Zoning Officer determine the applicability of the Mean Front Yard regulations. If such determination is not made prior to the filing of such development application, the Zoning Officer shall be authorized to determine its applicability.

The mean prevailing front yard setback to be applied to a lot shall be determined as follows:

- [1] The applicant shall determine the front yard setback for the principal dwellings on the five nearest tax lots to the subject property in each direction, on the same side of the street, within the same block, and within the same zoning district. The measurement shall not include the setback from the street for corner lots, where the front yard of the corner lot is measured from a different street. In calculating the mean prevailing setback, the largest and smallest setback shall not be included in

the calculation. Setbacks shall be measured to the nearest part of the house excluding porches and stoops.

- [2] If the mean prevailing front setback as calculated is either greater than the minimum required setback by 5 or more feet or less than the minimum required setback by 5 or more feet, then the building setback shall be within two feet of the calculated mean setback. For Example: The minimum required front yard setback in the R-1 Zone is 40 feet. The calculated mean front yard setback of the homes on the south side of Tree Lane is 32 feet. Therefore, a new building on the south side of Tree Lane shall have a front yard setback of between 30 and 34 feet.
 - [3] If the mean prevailing setback as calculated for a lot is not more than five feet greater or five feet less than the minimum required setback, then the building setback shall be setback a distance between the minimum required setback and the minimum required setback plus 5 feet. For Example: The minimum required front yard setback in the R-1 Zone is 40 feet. The calculated mean front yard setback of the homes on the north side of Tree Lane is 42 feet. Therefore, a new building on the south side of Tree Lane shall have a minimum front yard setback of between 40 and 45 feet.
 - [4] If a street contains three or fewer dwellings or there are three or fewer dwellings within the same zone within five lots of the subject property, then a prevailing setback shall not be established and the minimum front yard requirement in the zone shall apply.
- (2) Yards on corner lots. All yards on corner lots abutting any street shall be construed as front yards and shall be subject to the front yard setback requirement of the zone in which said lot falls.
 - (3) Yards abutting railroads and state highways. Unless specifically provided otherwise by the regulations for individual zone districts, the yard requirement for any residentially zoned lot that abuts a state highway or active railroad shall increase the yard requirement for that yard that abuts said highway or railroad by 50%.
 - (4) Projections and encroachments. Except as hereinafter specified, yards and courts required under this chapter shall be entirely free of principal buildings or parts thereof:
 - (a) Cornices and eaves may project not to exceed two feet over any required yard or court.
 - (b) Sills, leaders, belt courses and similar ornamental or structural features may project six inches into any required yard or court.

- (c) An open fire balcony or fire escape may project into a required yard not more than four feet.
 - (d) Ground-story bay windows or oriel windows may project not more than three feet into any required yard in the R-125, R-110, R-1, R-1A, R-2 and R-3 Zone Districts.
 - (e) Chimneys with or without fireplaces may also project not more than 18 inches into any required yard in the R-125, R-110, R-1, R-1A, R-2 and R-3 Zone Districts. The total area of such encroachment shall not exceed 12 square feet.
 - (f) No canopy or marquee shall extend past any setback line affecting the building to which it is affixed. This prohibition shall not apply to awnings. In addition, canopies shall be subject to the provisions of § 190-124L, and awnings shall be subject to the provisions of § 190-124K.
 - (g) No steps or stairs shall extend into any street right-of-way in any zone district. Unenclosed stairs may extend not more than 60 inches into any required front yard. Unenclosed steps may extend not more than 60 inches into any required rear yard or 36 inches into any required side yard.
 - (h) Window-mounted air-conditioning units, fans and similar window-mounted equipment designed to provide heating, ventilating or air conditioning through such window may project into a required yard not more than three feet.
 - (i) An unenclosed front porch may extend not more than 60 inches into a required front yard provided that a deed restriction is filed to prevent future enclosure, and further provided that all other bulk standards are met by the property.
- (5) Lot line and yard determinations for uncommon or atypical lots. In the event that the definitions of lot lines and yards in § 190-3 do not allow for a clear or reasonable determination of front, rear and side lot lines or yards, as for example in the case of flag lots or land-locked parcels which may be nonconforming or created by variance, the determination of such lot lines and yards shall be made by the Zoning Officer. Any such determination may be appealed following the procedures set forth in § 190-29, and a formal interpretation of the applicable lot lines and yards may be obtained following the procedures set forth in § 190-30. In making such determination, deciding such appeals and in making such interpretations, the following guidelines shall apply:
- (a) Generally, the common boundaries between lots are to be defined the same. Thus, if the common boundary is a rear lot line for one lot, it is to be considered a rear lot line for all lots that share that boundary. The same case applies when a common boundary is a side lot line. There are

exceptions to this principle, however, such as when a rear lot line on a corner lot is also the side lot line of the property sharing the same boundary.

- (b) Generally, rear lot lines intersect side lot lines or other rear lot lines, but not front lot lines. There are exceptions to this principle, however, such as when a rear lot line on a corner lot intersects one or more of the front lot lines.
- (c) Generally, side lot lines intersect front lot lines and/or rear lot lines. Side lot lines also form a portion of the limits of front, side and rear yards.
- (d) Generally, rear lot lines and rear yards are located to the rear of the principal building, and side yards are located to the side of the principal building. There are exceptions to this principle, however, such as when the principal building is at a severe angle to the lot line(s), or the lot line(s) curve or angle along more than one wall of the building, the lot is unusually shaped, the building is unusually shaped, etc.
- (e) Generally, front yards are located in front of the principal building, across the full width of a lot. There are exceptions to this principle, however, such as in the case of flag lots and land-locked parcels not having frontage on an approved street. In such cases, the front yard may be more limited in extent or there may be no front yard at all, as with a land-locked parcel.
- (f) In cases where the application of these guidelines conflict with or contradict one another or the lot line and yard definitions in § 190-3, the determination of front, side and rear lot lines and yards shall be made by the Zoning Officer based upon the facts in each situation.

DELETE

A. Yards. There shall be provided for every lot front, rear and side yards as required in the zone district in which such lot is located. No open space which has been counted or included as a part of a side yard, rear yard, front yard, court or other open space as required by this chapter for one building may, by reason of change of ownership or for any other reason, be counted or included in order to comply with the yard, court or other open space requirement of any other building. In addition, the following general regulations shall apply:

(1) Front yards.

- (a) All front yards must face upon a dedicated public street and shall be of the size required for the particular zone district in which the lot is located, provided that, on streets less than 50 feet in width, the required front yard shall be increased by 1/2 the difference between the width of the street and 50 feet, and provided further that any lot which abuts a street with a proposed right-of-way greater than 50 feet in width as shown on the master plan for streets of the Village shall have a front

yard setback measured from the nearest line of the proposed building or structure to the proposed right-of-way line shown on such master plan. In the event a street, or part thereof, is located within an easement, or is proposed to be widened within an easement, rather than within a dedicated right-of-way, the front yard setback shall be measured from the easement line.

- (b) In the B-1 and B-2 Zone Districts, all new buildings and additions to existing buildings shall conform to the existing established front yard setback line of the buildings located on each side of the subject property. In the event that the front yard setback on each side of the subject property is not the same distance from the center line of the abutting street in question, then the Planning Board, as part of site plan review, shall determine the required setback line for the subject property which shall not be less than the setback of the abutting property that is closest to the street right-of-way line nor greater than the setback of the abutting property that is farthest from the street right-of-way line.
- (c) In the B-1 and B-2 Zone Districts, where there are no adjacent buildings that are located in the business districts to determine the required front yard setback, the following minimum dimensions shall apply:
 - [1] B-1 interior lots shall have a minimum front yard setback of zero feet.
 - [2] B-1 corner lots shall have a minimum front yard setback of five feet.
 - [3] B-2 interior lots shall have a minimum front yard setback of five feet.
 - [4] B-2 corner lots shall have a minimum front yard setback of 10 feet.
- (2) Yards on corner lots. All yards on corner lots abutting any street shall be construed as front yards and shall be subject to the front yard setback requirement of the zone in which said lot falls.
- (3) Yards abutting railroads and state highways. Unless specifically provided otherwise by the regulations for individual zone districts, the yard requirement for any residentially zoned lot that abuts a state highway or active railroad shall increase the yard requirement for that yard that abuts said highway or railroad by 50%.
- (4) Projections and encroachments. Except as hereinafter specified, yards and courts required under this chapter shall be entirely free of principal buildings or parts thereof:
 - (a) Cornices and eaves may project not to exceed two feet over any required yard or court.

- (b) Sills, leaders, belt courses and similar ornamental or structural features may project six inches into any required yard or court.
 - (c) An open fire balcony or fire escape may project into a required yard not more than four feet.
 - (d) Ground-story bay windows or oriel windows may project not more than three feet into any required yard in the R-125, R-110, R-1, R-1A, R-2 and R-3 Zone Districts.
 - (e) Chimneys with or without fireplaces may also project not more than 18 inches into any required yard in the R-125, R-110, R-1, R-1A, R-2 and R-3 Zone Districts. The total area of such encroachment shall not exceed 12 square feet.
 - (f) No canopy or marquee shall extend past any setback line affecting the building to which it is affixed. This prohibition shall not apply to awnings. In addition, canopies shall be subject to the provisions of § 190-124L, and awnings shall be subject to the provisions of § 190-124K.
 - (g) No steps or stairs shall extend into any street right-of-way in any zone district. Unenclosed stairs may extend not more than 60 inches into any required front yard. Unenclosed steps may extend not more than 45 inches into any required rear yard.
 - (h) Window-mounted air-conditioning units, fans and similar window-mounted equipment designed to provide heating, ventilating or air conditioning through such window may project into a required yard not more than three feet.
- (5) Lot line and yard determinations for uncommon or atypical lots. In the event that the definitions of lot lines and yards in § 190-3 do not allow for a clear or reasonable determination of front, rear and side lot lines or yards, as for example in the case of flag lots or land-locked parcels which may be nonconforming or created by variance, the determination of such lot lines and yards shall be made by the Zoning Officer. Any such determination may be appealed following the procedures set forth in § 190-29, and a formal interpretation of the applicable lot lines and yards may be obtained following the procedures set forth in § 190-30. In making such determination, deciding such appeals and in making such interpretations, the following guidelines shall apply:
- (a) Generally, the common boundaries between lots are to be defined the same. Thus, if the common boundary is a rear lot line for one lot, it is to be considered a rear lot line for all lots that share that boundary. The same case applies when a common boundary is a side lot line. There are exceptions to this principle, however, such as when a rear lot line on a corner lot is also the side lot line of the property sharing the same boundary.

- (b) Generally, rear lot lines intersect side lot lines or other rear lot lines, but not front lot lines. There are exceptions to this principle, however, such as when a rear lot line on a corner lot intersects one or more of the front lot lines.
- (c) Generally, side lot lines intersect front lot lines and/or rear lot lines. Side lot lines also form a portion of the limits of front, side and rear yards.
- (d) Generally, rear lot lines and rear yards are located to the rear of the principal building, and side yards are located to the side of the principal building. There are exceptions to this principle, however, such as when the principal building is at a severe angle to the lot line(s), or the lot line(s) curve or angle along more than one wall of the building, the lot is unusually shaped, the building is unusually shaped, etc.
- (e) Generally, front yards are located in front of the principal building, across the full width of a lot. There are exceptions to this principle, however, such as in the case of flag lots and land-locked parcels not having frontage on an approved street. In such cases, the front yard may be more limited in extent or there may be no front yard at all, as with a land-locked parcel.
- (f) In cases where the application of these guidelines conflict with or contradict one another or the lot line and yard definitions in § 190-3, the determination of front, side and rear lot lines and yards shall be made by the Zoning Officer based upon the facts in each situation.

Section 3. Chapter 190, Land Use and Development of the Code of the Village of Ridgewood is hereby amended as follows:

Chapter 190, Section 190-119 General Provisions.

ADD

- H. Coverage by improvements for single-family and two-family dwellings. In the R-125, R-110, R-1, R-1A, R-2, R-2A, R-3, R-4, R-5 and R-7 Zone Districts, single-family detached dwellings, two-family dwellings, community residences and shelters and any other uses which are subject to the same requirements as the foregoing shall comply with the following schedules of maximum coverage by improvements:
 - (2) Maximum improvement coverage of lot area within specified distance of front lot line. For corner lots, the distance shall be measured from all lot frontages. In addition to the schedule in Subsection H(1) above, the coverage by improvements located within the following specified distances of the front lot line(s) shall comply with the following schedule:

DELETE

H. Coverage by improvements for single-family and two-family dwellings. In the R-125, R-110, R-1, R-1A, R-2, R-2A, R-3, R-4, R-5 and R-7 Zone Districts, single-family detached dwellings, two-family dwellings, community residences and shelters and any other uses which are subject to the same requirements as the foregoing shall comply with the following schedules of maximum coverage by improvements:

- (3) Maximum improvement coverage of lot area within specified distance of front lot line. In addition to the schedule in Subsection H(1) above, the coverage by improvements located within the following specified distances of the front lot line shall comply with the following schedule:

Section 4. Chapter 190, Land Use and Development of the Code of the Village of Ridgewood is hereby amended as follows:

ADD

Chapter 190, Section 190-100 R-125 Single-Family Residence District.

- E. Bulk and lot regulations. The following conditions and requirements shall be complied with:
- (2) Minimum front yard: 50 feet or mean prevailing setback as established in Section 190-119.A(1)(d).
 - (11) Maximum coverage by above-grade structures located within 200 feet of the front lot line: 20% of the lot area within 200 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages.
 - (13) Maximum gross building area within 200 feet of the front lot line: as set forth in § 190-119J, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 200 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages.

DELETE

Chapter 190, Section 190-100 R-125 Single-Family Residence District.

- E. Bulk and lot regulations. The following conditions and requirements shall be complied with:

- (2) Minimum front yard: 50 feet.
- (11) Maximum coverage by above-grade structures located within 200 feet of the front lot line: 20% of the lot area within 200 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages.
- (13) Maximum gross building area within 200 feet of the front lot line: as set forth in § 190-119J, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 200 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages.

Section 5. Chapter 190, Land Use and Development of the Code of the Village of Ridgewood is hereby amended as follows:

ADD

Chapter 190, Section 190-101 R-110 Single-Family Residence District.

- E. Bulk and lot regulations. The following conditions and requirements shall be complied with:
 - (2) Minimum front yard: 40 feet or mean prevailing setback as established in Section 190-119.A(1)(d).
 - (11) Maximum coverage by above-grade structures located within 175 feet of the front lot line: 20% of the lot area within 175 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages.
 - (13) Maximum gross building area within 175 feet of the front lot line: as set forth in § 190-119J, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 175 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages.

DELETE

Chapter 190, Section 190-101 R-110 Single-Family Residence District.

- E. Bulk and lot regulations. The following conditions and requirements shall be complied with:
 - (2) Minimum front yard: 40 feet.
 - (11) Maximum coverage by above-grade structures located within 175 feet of the front lot line: 20% of the lot area within 175 feet of the front lot line.

- (13) Maximum gross building area within 175 feet of the front lot line: as set forth in § 190-119J, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 175 feet of the front lot line.

Section 6. Chapter 190, Land Use and Development of the Code of the Village of Ridgewood is hereby amended as follows:

ADD

Chapter 190, Section 190-102 R-1 Single-Family Residence District.

- E. Bulk and lot regulations. The following conditions and requirements shall be complied with:
 - (2) Minimum front yard: 40 feet or mean prevailing setback as established in Section 190-119.A(1)(d).
 - (11) Maximum coverage by above-grade structures located within 140 feet of the front lot line: 20% of the lot area within 140 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages.
 - (13) Maximum gross building area within 140 feet of the front lot line: as set forth in § 190-119J, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 140 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages.

DELETE

Chapter 190, Section 190-102 R-1 Single-Family Residence District.

- E. Bulk and lot regulations. The following conditions and requirements shall be complied with:
 - (2) Minimum front yard: 40 feet.
 - (11) Maximum coverage by above-grade structures located within 140 feet of the front lot line: 20% of the lot area within 140 feet of the front lot line.
 - (13) Maximum gross building area within 140 feet of the front lot line: as set forth in § 190-119J, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 140 feet of the front lot line.

Section 7. Chapter 190, Land Use and Development of the Code of the Village of Ridgewood is hereby amended as follows:

ADD

Chapter 190, Section 190-104 R-2 Single-Family Residence District.

- E. Bulk and lot regulations. The following conditions and requirements shall be complied with:
- (2) Minimum front yard: 40 feet or mean prevailing setback as established in Section 190-119.A(1)(d).
 - (11) Maximum coverage by above-grade structures located within 140 feet of the front lot line: 20% of the lot area within 140 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages.
 - (13) Maximum gross building area within 140 feet of the front lot line: as set forth in § 190-119J, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 140 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages.

DELETE

Chapter 190, Section 190-104 R-2 Single-Family Residence District.

- E. Bulk and lot regulations. The following conditions and requirements shall be complied with:
- (2) Minimum front yard: 40 feet.
 - (11) Maximum coverage by above-grade structures located within 140 feet of the front lot line: 20% of the lot area within 140 feet of the front lot line.
 - (13) Maximum gross building area within 140 feet of the front lot line: as set forth in § 190-119J, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 140 feet of the front lot line.

Section 8. Chapter 190, Land Use and Development of the Code of the Village of Ridgewood is hereby amended as follows:

ADD

Chapter 190, Section 190-106 R-3 Single-Family Residence District.

- E. Bulk and lot regulations. The following conditions and requirements shall be complied with:
- (2) Minimum front yard: 40 feet or mean prevailing setback as established in Section 190-119.A(1)(d).
 - (11) Maximum coverage by above-grade structures located within 140 feet of the front lot line: 20% of the lot area within 140 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages.
 - (13) Maximum gross building area within 140 feet of the front lot line: as set forth in § 190-119J, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 140 feet of the front lot line. For corner lots, the distance shall be measured from all lot frontages.

DELETE

Chapter 190, Section 190-106 R-3 Single-Family Residence District.

- E. Bulk and lot regulations. The following conditions and requirements shall be complied with:
- (2) Minimum front yard: 40 feet.
 - (11) Maximum coverage by above-grade structures located within 140 feet of the front lot line: 20% of the lot area within 140 feet of the front lot line.
 - (13) Maximum gross building area within 140 feet of the front lot line: as set forth in § 190-119J, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 140 feet of the front lot line.

Section 9. Chapter 190, Land Use and Development of the Code of the Village of Ridgewood is hereby amended as follows:

ADD

Chapter 190, Section 190-36 Expiration of Variances

- A. Variance approvals not subject to site plan, subdivision or conditional use approval. In the case of a variance approval from the Zoning Board of Adjustment

which does not also require subdivision, site plan or conditional use approvals from the Board, the following shall apply:

- (1) The required building permits, or zoning and other permits, must be obtained within two years of the date of the adoption of a resolution or memorializing resolution of approval or within six months of the date that all conditions precedent of approval, if any, have been satisfied, whichever occurs later, or the variance will expire. Conditions precedent to approval shall be complied with within the time periods specified in § 190-49.
- (2) The construction of the improvements that were the subject of the variance(s) must be initiated prior to expiration of the building and/or zoning permit or the variance will expire.
- (3) The construction of the improvements that were the subject of the variance(s) must be completed within the time frames specified in § 190-97E, or the violator will be subject to § 190-97E(5) and (6).

DELETE

Chapter 190. Section 190-36 Expiration of Variances

- A. Variance approvals not subject to site plan, subdivision or conditional use approval. In the case of a variance approval from the Zoning Board of Adjustment which does not also require subdivision, site plan or conditional use approvals from the Board, the following shall apply:
- (1) The required building permits, or zoning and other permits, when no building permits are required, must be obtained within one year of the date of the adoption of a resolution or memorializing resolution of approval or within six months of the date that all conditions precedent of approval, if any, have been satisfied, whichever occurs later, or the variance will expire. Conditions precedent to approval shall be complied with within the time periods specified in § 190-49.
 - (2) The construction of the improvements that were the subject of the variance(s) must be initiated prior to expiration of the building and/or zoning permit or the variance will expire.
 - (3) The construction of the improvements that were the subject of the variance(s) must be completed within the time frames specified in § 190-97E, or the violator will be subject to § 190-97E(5) and (6).

Section 10. Chapter 190, Land Use and Development of the Code of the Village of Ridgewood is hereby amended as follows:

ADD

Chapter 190, Section 190-97 Building, zoning, and other permits; certificates of occupancy.

- E. Time limit for completion of exterior site improvements. All exterior site improvements authorized by a building permit, demolition permit, zoning permit, sign permit or historic preservation permit issued pursuant to this chapter shall be substantially completed in a timely manner. The intent of this provision is to prevent visual blight, property damage, erosion and sedimentation, wind-blown dust and debris, excessive weed growth, litter, vandalism, unsafe or hazardous conditions, the depreciation of property values and other harmful effects. For purposes of administering this provision, the following shall apply:
- (1) "Exterior site improvements" are defined to include, but not necessarily be limited to, exterior building siding or facing, roofing, exterior doors and windows, exterior steps, porches, driveway and parking area pavement, walks, fences, walls and lawns, as well as demolition of any of the foregoing.
 - (2) The following improvements shall be substantially completed within one year of the date of the issuance of the permit for the same:
 - (a) Exterior site improvements authorized pursuant to a permit to construct a new dwelling unit, or exterior site improvements accessory to the construction of a new dwelling unit.
 - (b) Exterior site improvements authorized pursuant to final major site plan approval.
 - (3) The following improvements shall be substantially completed within six months of the date of the issuance of the permit for the same:
 - (a) Exterior site improvements authorized pursuant to a permit to construct an addition to an existing dwelling unit or to alter, repair, renovate or demolish an existing dwelling unit or other exterior site improvements accessory to an existing dwelling unit, except as provided otherwise in Subsection E(2) above;
 - (b) Exterior site improvements authorized pursuant to a sign permit or historic preservation permit, except as provided otherwise in Subsection E(2) above; and
 - (c) Exterior site improvements authorized pursuant to minor site plan approval.
 - (4) In the case of exterior site improvements which were the subject of site plan approval, the approving Board may, in exceptional circumstances and upon good cause shown by the applicant, grant an extension of the time within which exterior site improvements shall be completed. In the case of

exterior site improvements which were not the subject of site plan approval, the agency issuing the permit may grant similar extensions in the same manner.

- (5) If no construction or demolition of exterior site improvements authorized pursuant to a zoning permit, sign permit or historic preservation permit has been initiated within the above time periods, then the permit shall be considered null and void. Failure to initiate construction or demolition pursuant to a building permit shall be subject to the provisions of the Uniform Construction Code.
- (6) If construction or demolition of exterior site improvements has been initiated, but not substantially completed, within the above time periods, the failure to complete said improvements shall be considered a violation of this article and shall subject the violator or violators to the penalties hereinafter prescribed.
- (7) Exterior site improvements shall not be deemed to be completed until an as-built survey showing the post-development conditions has been provided to the Zoning Officer and Village Engineer. The survey shall be included with the records of applications and permits and certificates issued per section 190-97.H.
- (8) Nothing in this subsection shall be construed to conflict with any other law or regulation, nor to limit the power of the Village to enforce the provisions of this article by whatever means that may exist.

DELETE

- E. Time limit for completion of exterior site improvements. All exterior site improvements authorized by a building permit, demolition permit, zoning permit, sign permit or historic preservation permit issued pursuant to this chapter shall be substantially completed in a timely manner. The intent of this provision is to prevent visual blight, property damage, erosion and sedimentation, wind-blown dust and debris, excessive weed growth, litter, vandalism, unsafe or hazardous conditions, the depreciation of property values and other harmful effects. For purposes of administering this provision, the following shall apply:
 - (1) "Exterior site improvements" are defined to include, but not necessarily be limited to, exterior building siding or facing, roofing, exterior doors and windows, exterior steps, porches, driveway and parking area pavement, walks, fences, walls and lawns, as well as demolition of any of the foregoing.
 - (2) The following improvements shall be substantially completed within one year of the date of the issuance of the permit for the same:

- (a) Exterior site improvements authorized pursuant to a permit to construct a new dwelling unit, or exterior site improvements accessory to the construction of a new dwelling unit.
 - (b) Exterior site improvements authorized pursuant to final major site plan approval.
- (3) The following improvements shall be substantially completed within six months of the date of the issuance of the permit for the same:
- (a) Exterior site improvements authorized pursuant to a permit to construct an addition to an existing dwelling unit or to alter, repair, renovate or demolish an existing dwelling unit or other exterior site improvements accessory to an existing dwelling unit, except as provided otherwise in Subsection E(2) above;
 - (b) Exterior site improvements authorized pursuant to a sign permit or historic preservation permit, except as provided otherwise in Subsection E(2) above; and
 - (c) Exterior site improvements authorized pursuant to minor site plan approval.
- (4) In the case of exterior site improvements which were the subject of site plan approval, the approving Board may, in exceptional circumstances and upon good cause shown by the applicant, grant an extension of the time within which exterior site improvements shall be completed. In the case of exterior site improvements which were not the subject of site plan approval, the agency issuing the permit may grant similar extensions in the same manner.
- (5) If no construction or demolition of exterior site improvements authorized pursuant to a zoning permit, sign permit or historic preservation permit has been initiated within the above time periods, then the permit shall be considered null and void. Failure to initiate construction or demolition pursuant to a building permit shall be subject to the provisions of the Uniform Construction Code.
- (6) If construction or demolition of exterior site improvements has been initiated, but not substantially completed, within the above time periods, the failure to complete said improvements shall be considered a violation of this article and shall subject the violator or violators to the penalties hereinafter prescribed.
- (7) Nothing in this subsection shall be construed to conflict with any other law or regulation, nor to limit the power of the Village to enforce the provisions of this article by whatever means that may exist.

Section 11. Chapter 190, Land Use and Development of the Code of the Village of Ridgewood is hereby amended as follows:

ADD

GROSS BUILDING AREA

The sum of the horizontal area or areas of each story or half story of all principal and accessory buildings on a site, measured from the exterior face of the exterior walls of such buildings. Gross building area shall not include basements, except as indicated below, areas not enclosed by walls, screening, windows, etc., and areas having a vertical dimension of less than seven feet between the floor (or if there is no floor, then the joists) and the bottom of the roof structure. Gross building area shall include but not necessarily to be limited to the following:

- A. The horizontal area of habitable and nonhabitable floor area.
- B. The horizontal area of interior and exterior walls.
- C. The horizontal area of the portion of attics or other similar areas below the roof having a vertical dimension of at least seven feet between the floor (or if there is no floor, then the joists) and the bottom of the roof structure.
- D. The horizontal area of all stairs and stairwells on each floor. The gross building area shall be calculated as the area of stairs and stairwells times the number of stories through which the stairs and stairwells project.
- E. The horizontal area of spaces that project through two or more stories. The gross building area shall be calculated as the area of the space times the number of stories through which the space projects.
- F. The horizontal area of enclosed porches, decks and similar features enclosed by screening, windows or similar enclosures.
- G. The horizontal area of attached garages, storage rooms and similar areas.
- H. The horizontal area of a basement that extends beyond the footprint of the floor immediately above it and has any portion of its volume located three or more feet above the adjacent grade

DELETE

GROSS BUILDING AREA

The sum of the horizontal area or areas of each story or half story of all principal and accessory buildings on a site, measured from the exterior face of the exterior walls of such buildings. Gross building area shall not include basements, areas not enclosed by walls, screening, windows, etc., and areas having a vertical dimension of less than seven feet between the floor (or if there is no floor, then the joists) and the bottom of the roof structure. Gross building area shall include but not necessarily to be limited to the following:

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

- B. The horizontal area of interior and exterior walls.
- C. The horizontal area of the portion of attics or other similar areas below the roof having a vertical dimension of at least seven feet between the floor (or if there is no floor, then the joists) and the bottom of the roof structure.
- D. The horizontal area of all stairs and stairwells on each floor. The gross building area shall be calculated as the area of stairs and stairwells times the number of stories through which the stairs and stairwells project.
- I. The horizontal area of spaces that project through two or more stories. The gross building area shall be calculated as the area of the space times the number of stories through which the space projects.
- J. The horizontal area of enclosed porches, decks and similar features enclosed by screening, windows or similar enclosures.
- K. The horizontal area of attached garages, storage rooms and similar areas.

Section 12. Chapter 190, Land Use and Development of the Code of the Village of Ridgewood is hereby amended as follows:

Chapter 190, Section 190-124 Special regulations for certain uses and structures.

ADD

- M. Exterior equipment. Mechanical equipment and tanks located outside of a building, including but not limited to air conditioning equipment, heat exchangers, fans, compressors, propane tanks and oil tanks, generators, condensers and similar equipment, shall be subject to the following regulations:
 - (1) The installation of such exterior equipment shall require the issuance of a zoning permit.
 - (2) Such equipment shall comply with the minimum required front yard setback for principal buildings, or with an established non-conforming front yard setback, and shall be screened from the view of adjacent properties and streets; provided, however, that the screening requirement shall not apply to window-mounted equipment such as fans and window air conditioners.
 - (3) Such equipment shall be set back at least 10 feet from any residential property line.
 - (4) Exterior equipment located on the roof of a building shall be subject to the requirements of § 190-124P.
 - (5) Replacement of existing exterior equipment in non-conforming locations shall be permitted provided neither the footprint, nor the height of the equipment increases by greater than 10% and that screening from view of adjacent properties and streets is maintained.

DELETE

- M. Exterior equipment. Mechanical equipment and tanks located outside of a building, including but not limited to air conditioning equipment, heat exchangers, fans, compressors, propane tanks and oil tanks, generators, condensers and similar equipment, shall be subject to the following regulations:
- (1) The installation of such exterior equipment shall require the issuance of a zoning permit.
 - (2) Such equipment shall comply with the minimum required front yard setback for principal buildings and shall be screened from the view of adjacent properties and streets; provided, however, that the screening requirement shall not apply to window-mounted equipment such as fans and window air conditioners.
 - (3) Such equipment shall be set back at least 10 feet from any residential property line.
 - (4) Exterior equipment located on the roof of a building shall be subject to the requirements of § 190-124P.

Section 13. Chapter 190, Land Use and Development of the Code of the Village of Ridgewood is hereby amended as follows:

Chapter 190, Section 190-124 Special regulations for certain uses and structures.

ADD

- S. Residential decks, patios and related improvements. Decks, patios, gazebos and similar structures, as well as related improvements, including but not limited to fireplaces, fire pits, barbecues, hot tubs, and similar recreational improvements accessory to a residential dwelling shall be subject to the following requirements:
- (1) Such improvements shall be located only in the side and/or rear yards, and shall be prohibited in the front yard.
 - (2) Where such improvements are no more than twelve inches above the adjacent grade, they shall be set back from the side and rear lot lines a distance not less than 10 feet.
 - (3) Where such improvements are greater than twelve inches above the adjacent grade, they shall be set back from the side lot line the distance required for a principal structure in the zone and shall be set back from rear lot lines a distance not less than 10 feet.

- (4) In kind repair or replacement of non-conforming decks, patios, and related improvements shall be permitted provided there is no expansion of the improvement in any dimension or increase in improved lot coverage.

DELETE

- S. Residential decks, patios and related improvements. Decks, patios, gazebos and similar structures, as well as related improvements, including but not limited to fireplaces, fire pits, barbecues, hot tubs, and similar recreational improvements accessory to a residential dwelling shall be subject to the following requirements:
- (1) Such improvements shall be located only in the side and/or rear yards, and shall be prohibited in the front yard.
 - (2) Such improvements shall be set back from the side and rear lot lines a distance not less than 10 feet.

Section 14. Chapter 145, Fees of the Code of the Village of Ridgewood is hereby amended as follows:

Chapter 145, Section 145-6 Enumeration of fees relating to Code chapters.

ADD

Chapter **190**, Land Use and Development

§ <u>190-12C</u> , for list of addresses to whom applicant is required to give notice	\$10
§ <u>190-22</u> , schedule of fees	
Copy of decision of governing body to interested party in connection with an appeal	\$10
Publication in newspaper of decision concerning governing body on an appeal	At cost
Certificate of subdivision approval	\$25
Certification of deed restriction	\$25
Minor subdivision	\$800
Plus, each lot, including the remainder	\$200
Concept plan for application for development (fee to be credited against fee for subsequent formal application if filed within one year of hearing on concept application)	\$200
Preliminary major subdivision	\$1,000
Plus, each lot	\$200

Final major subdivision	
If approved requested simultaneously with preliminary major subdivision approval	\$200
Plus, each lot	\$50
If approval requested subsequent to preliminary major subdivision approval	\$500
Plus, each lot	\$100
Minor site plan	
Planning Board Site Plan Subcommittee	\$250
Full Board review	\$500
Preliminary major site plan	
First 10,000 square feet of lot area or fraction thereof affected by the development	\$500
Plus, each additional 10,000 square feet of lot area or fraction thereof affected by the development	\$100
Plus, for first 1,000 square feet of floor area of any new building or addition	\$300
Plus, for each 1,000 square feet or fraction thereof of floor area over 1,000 square feet	\$100
Minimum amount	\$400
Maximum amount	\$15,000
Final site plan	
If approval requested simultaneously with preliminary major site plan approval	25% of the fee for the preliminary site plan (excluding any variance fee)
If approval requested subsequent to preliminary major site plan approval	50% of the fee for the preliminary site plan (excluding any variance fee)
Certificates of occupancy	See fees for § <u>125-3</u> above
Sign permit fee, per square foot	\$2
Minimum	\$50
"D" variance application involving prohibited use, expansion of nonconforming use or density [N.J.S.A. 40:55D-70d(1), (2) and/or (5)]	\$1,000 per variance
"D" variance application, other [N.J.S.A. 40:55D-70d(3), (4) and/or (6)]	\$500 per variance
"C" variances (N.J.S.A. 40:55D-70c)	

If not part of site plan or subdivision, or if bifurcated from site plan or subdivision	\$200 each, \$1,000 maximum
If reviewed simultaneously with site plan and/or subdivision	\$150 each, \$750 maximum
Amended approval of prior subdivision, site plan or variance application	25% of the fee for the original application
Application to extend or toll period of protection against changes in development regulations, to extend deadline for complete construction (§ <u>190-97E</u>) or to extend deadline for filing of subdivision	\$200
Application for certification of nonconforming use or structure	\$200
Relief from § <u>190-131</u> or <u>190-132</u>	Same as "C" variance
Appeal of administrative officer decision (§ <u>190-29</u>)	\$200
Zoning chapter interpretations by Board of Adjustment	\$200
Special meeting requested by interested party	
Planning Board (includes professionals attending)	\$2,000
Board of Adjustment (includes professionals attending)	\$1,000
Transcripts or tapes: transcripts or tapes of record of proceedings furnished to an interested party	Actual cost of preparing the transcript or tape
Engineering review and site inspection for single-family detached homes when a lot's impervious area is increased more than 200 square feet	\$150
§ <u>190-23A</u> , schedule of escrow deposits	
Initial deposit required to reimburse the Village for costs of professional services involved in the processing an application	Four times the application fee or fees as set forth in the schedule of fees or \$2,000, whichever is greater.
Subsequent escrow increases	Determined by the Board Secretary
§ <u>190-37C(1)</u> , site plan exemption application	\$250, provided that the fee shall be \$100 if the typical purchase and installation cost of the improvements which are the subject of the application do not exceed \$2,500. The application fee shall be credited toward the formal

	site plan application fee if a) the site plan exemption is denied and b) the formal application is filed within 190 days of the exemption denial.
§ 190-97B , zoning permit review, per lot	\$50
§ 190-97F(4)(a), application for temporary certificate of occupancy	\$200
§ 190-97F(4)(d), application for extension of temporary certificate of occupancy	\$200
§ 190-97F(4)(e), application for second renewal of temporary certificate of occupancy	\$200
§ 190-97F(4)(g)[4], cash escrow for bond other than cash	\$500
§ 190-97J(3) , minor retaining wall permit	\$50
§ 190-97J(4), major retaining wall permit	\$150
§ 190-97G(5)(a), application for temporary certificate of occupancy, per dwelling unit ⁵¹	\$100
§ 190-122H(9) , Temporary portable sidewalk A-frame signs	\$100 per calendar year
Temporary storage containers permit fee:	\$25 for first 30 days
Temporary storage containers permit renewal fee:	\$150 for six months (no more than two six-month periods, after first 30 days)

DELETE

Chapter **190**, Land Use and Development

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Concept plan for application for development	\$200
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First 10,000 square feet of lot area or fraction thereof affected by the development	\$500
Plus, each additional 10,000 square feet of lot area or fraction thereof affected by the development	\$100
Plus, for first 1,000 square feet of floor area of any new building or addition	\$300
Plus, for each 1,000 square feet or fraction thereof of floor area over 1,000 square feet	\$100
Minimum amount	\$400
Maximum amount	\$15,000
Final site plan	
If approval requested simultaneously with preliminary major site plan approval	25% of the fee for the preliminary site plan (excluding any variance fee)
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Certificates of occupancy	See fees for § <u>125-3</u> above

Sign permit fee, per square foot	\$2
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If not part of site plan or subdivision, or if bifurcated from site plan or subdivision	\$200 each, \$1,000 maximum
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purchase and installation cost of the improvements which are the subject of the application do not exceed \$2,500. The application fee shall be credited toward the formal site plan application fee if a) the site plan exemption is denied and b) the formal application is filed within 190 days of the exemption denial.

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Temporary storage containers permit renewal fee:	\$150 for six months (no more than two six-month periods, after first 30 days)

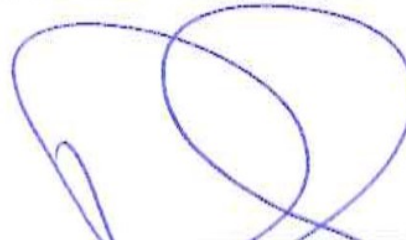
Section 15: Except as herein amended and supplemented, Chapter 190, and Chapter 145 of The Code of the Village of Ridgewood remains in full force and effect.

Section 16: This ordinance shall take effect immediately upon passage and publication as required by law.

VILLAGE OF RIDGEWOOD
ORDINANCE NO. 3973

FOR AFFIRMANCE: Councilmembers: Reynolds, Weitz, Winograd
and Mayor Vagianos

NAYS: NONE
ABSENT: Councilmember Perron
ABSTAIN: NONE
RECUSE: NONE
Introduction Date: October 11, 2023
Adoption Date: November 8, 2023
Effective Date: November 28, 2023



Paul Vagianos, Mayor

ATTEST:



Heather A. Mailander
Village Clerk