

**BOROUGH OF RIVER EDGE**

**ORDINANCE NO. 24-14**

**AN ORDINANCE BY THE BOROUGH OF RIVER EDGE IN THE COUNTY OF BERGEN, NEW JERSEY AMENDING AND SUPPLEMENTING THE RIVER EDGE BOROUGH CODE, CHAPTER 350 SITE PLAN REVIEW AND CHAPTER 416 ZONING**

**WHEREAS**, pursuant to N.J.S.A. 40:55D-62, the Borough of River Edge, in the County of Bergen, State of New Jersey (the “Borough”) may adopt or amend Zoning Regulations by Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

**WHEREAS**, N.J.S.A. 40:55D-89 requires that the governing body shall, at least every 10 years, provide for a general reexamination of its master plan and development regulations by the Municipal Land Use Board; and

**WHEREAS**, pursuant to the 2020 Periodic Reexamination Report of the Master Plan & Development Regulations for the Borough of River Edge prepared by Burgis Associates, Inc., dated October 9, 2020 (the “2020 Reexamination”), it was recommended that the Borough review its regulations pertaining to single-family homes including the lot and building coverages and accessory structures; and

**WHEREAS**, the 2020 Reexamination further recommended that the Borough review its fence and retaining wall provisions and to maintain the site plan review for businesses requiring a “food handler’s license”; and

**WHEREAS**, the Municipal Land Use Board of the Borough of River Edge (the “Land Use Board”) adopted amendments to the 2020 Reexamination entitled “2022 Amendment to the Reexamination Report of the Master Plan & Development Regulations”, dated May 13, 2022, prepared by Thomas Behrens, Jr. PP, AICP of Burgis Associates, Inc., which recommended additional changes to the Borough’s land use and development regulations; and

**WHEREAS**, the Borough’s Land Use professionals have reviewed the Borough’s Zoning Regulations and have identified proposed changes to the lot coverage requirements and covered front porch requirements and updated definitions to maintain clarity and uniformity in the administration of the Borough’s land use regulations; and

**WHEREAS**, it has become increasingly common to have more hardscaping features, covered front porches, and other outdoor amenities, which may not all require building permits for construction and therefore residents may not be aware of lot coverage restrictions; and

**WHEREAS**, smaller lots in the Borough and corner lots, which have smaller and/or irregular yards face additional challenges in satisfying minimum lot coverage restrictions while maintaining reasonable use of their properties; and

**WHEREAS**, the Board received correspondence requesting clarification in terminology and definitions used with respect to site plan review for retail food establishments; and

**WHEREAS**, the proposed changes will allow the uniform application of the Zoning Regulations, increased flexibility in improving private property, and will provide residents with certainty in the regulation of their property; and

**WHEREAS**, the Borough Council desires to adopt zoning that is in the Borough’s best interest to maintain and support stability, future growth, development and uniform zoning determinations on all parcels of land in the Borough; and

**WHEREAS**, the Borough Council believes that amending the Zoning Regulations is in the best interest of the Borough such that the Borough Code, Chapter “350” Site Plan Review” and Chapter 416 “Zoning” be amended to update and clarify ambiguity in the lot coverage requirements, corner lot, accessory structures, and covered front porch requirements and definitions, among other changes.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of River Edge, in the County of Bergen, State of New Jersey, as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Borough Code of the Borough of River Edge, Chapter 416, Zoning, Attachment 3, Schedule of Zoning District Area, Bulk and Yard Requirements, is hereby amended and supplemented by **Exhibit A** to this Ordinance, which is incorporated herein. Any additions to Attachment

3 are indicated by **\*\*between asterisks and/or in bold\*\*** and deletions to Attachment 3 are indicated by ~~{within brackets and/or struck through}~~.

**Section 3.** The Borough Code of the Borough of River Edge, Chapter 350, Site Plan Review, Section 3, Definitions; Word Usage, is hereby amended and supplemented as follows (additions **\*\*between asterisks and/or in bold\*\***, deletions ~~{within brackets and/or struck through}~~):

350-3 Definitions; word usage.

A. No change.

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

~~{IMPROVED}~~ LOT COVERAGE

The percentage of lot area which is improved with principal and accessory buildings, structures and uses, including but not limited to driveways, parking areas, garages **\*\*walkways, decks, sheds, pergolas, pavilions, gazebos, patios, swimming pools\*\*** and other man-made improvements. **\*\*Permeable surfaces shall be counted in the lot coverage figure at 50% of the surface's demonstrated permeability, as confirmed by the Borough Engineer, or other authorized Borough professional, prior to approval and installation. Swimming pools (water surface area only) shall receive a discount of 50% in the lot coverage calculation. Decks with open joints and no impervious surface below shall receive a discount of 75% in the lot coverage calculation (for example: if a 100 square foot deck with open joints and no impervious surface below is proposed, the lot coverage calculation would be 25 square feet).\*\***

~~{LOT}~~ **\*\*BUILDING\*\*** COVERAGE

That portion of a lot which is occupied by buildings and accessory **\*\*buildings and\*\*** structures **\*\*as identified § 416-27(B)\*\*** ~~{but not including walkways, driveways, patios, and open parking areas}~~.

~~{LOT COVERAGE BY}~~ IMPERVIOUS SURFACES

~~{Impervious surfaces include paving, structures, roofs, macadam, or other impervious materials.}~~ **\*\*Shall mean any surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including but not limited to: roofs, asphalt, paving, concrete, brick, stones, gravel, macadam, artificial turf, shredded rubber and other similar materials.\*\***

**\*\*PERVIOUS or PERMEABLE SURFACES**

**Shall mean any material that permits water to infiltrate into the ground below.\*\***

**\*\*RETAIL FOOD ESTABLISHMENT**

**Shall mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption as defined in N.J.A.C. 8:24-1.5. This definition shall also include mobile retail food establishments as defined in N.J.A.C. 8:24-1.5.\*\***

**\*\*YARD AMENITIES**

**Shall mean "accessory buildings or structures", as identified in § 416-27(B), and may also include, but are not limited to: patios, decks, sheds, pergolas, pavilions, gazebos, walkways, and swimming pools; which are located in the rear or side yard. This provision shall not be interpreted to include driveways.\*\***

**Section 4.** The Borough Code of the Borough of River Edge, Chapter 350, Site Plan Review, Section 4, Requirements, is hereby amended and supplemented as follows (additions **\*\*between asterisks and/or in bold\*\***, deletions ~~{within brackets and/or struck through}~~):

350-4 Requirements.

A. No change.

B. No change.

C. No change.

D. No change.

E. **\*\*Site Plan Approval for Retail Food Establishment.\*\*** Notwithstanding the provisions of § 350-5B(3), site plan approval shall be required for any building or structure (regardless of its previous use) which is to be used as a **\*\*retail food establishment\*\*** ~~{restaurant for sit-down service or take-out service or as a fast food establishment, or any other intended use where a beverage or food handlers' license is required}~~.

**Section 5.** The Borough Code of the Borough of River Edge, Chapter 416, Zoning, Section 4, Definitions and Word Usage, is hereby amended and supplemented as follows (additions **\*\*between asterisks and/or in bold\*\***, deletions ~~{within brackets and/or struck through}~~):

416-4 Definitions and word usage.

~~{IMPROVED}~~ LOT COVERAGE

The percentage of lot area which is improved with principal and accessory buildings, structures and uses, including but not limited to driveways, parking areas, garages **\*\*walkways, decks, sheds, pergolas, pavilions, gazebos, patios, swimming pools\*\*** and other man-made improvements. **\*\*Permeable surfaces shall be counted in the lot coverage figure at 50% of the surface's demonstrated permeability, as confirmed by the Borough Engineer, or other authorized Borough professional, prior to approval and installation. Swimming pools (water surface area only) shall receive a discount of 50% in the lot coverage calculation. Decks with open joints and no impervious surface below shall receive a discount of 75% in the lot coverage calculation (for example: if a 100 square foot deck with open joints and no impervious surface below is proposed, the lot coverage calculation would be 25 square feet).\*\***

~~{LOT}~~ **\*\*BUILDING\*\*** COVERAGE

That portion of a lot which is occupied by buildings and accessory **\*\*buildings and\*\*** structures **\*\*as identified § 416-27(B)\*\*** ~~{but not including walkways, driveways, patios, and open parking areas}~~.

~~{LOT COVERAGE BY}~~ IMPERVIOUS SURFACES

~~{Impervious surfaces include paving, structures, roofs, macadam, or other impervious materials.}~~ **\*\*Shall mean any surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including but not limited to: roofs, asphalt, paving, concrete, brick, stones, gravel, macadam, artificial turf, shredded rubber and other similar materials.\*\***

**\*\*PERVIOUS or PERMEABLE SURFACES**

**Shall mean any material that permits water to infiltrate into the ground below.\*\***

**\*\*RETAIL FOOD ESTABLISHMENT**

**Shall mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption as defined in N.J.A.C. 8:24-1.5. This definition shall also include mobile retail food establishments as defined in N.J.A.C. 8:24-1.5.\*\***

**\*\*YARD AMENITIES**

**Shall mean "accessory buildings or structures", as identified in § 416-27(B), and may include, but are not limited to: patios, decks, sheds, pergolas, pavilions, gazebos, walkways, and swimming pools; which are located in the rear or side yard. This provision shall not be interpreted to include driveways.\*\***

**Section 6.** The Borough Code of the Borough of River Edge, Chapter 416, Zoning, Section 11, Lot Regulations, is hereby amended and supplemented as follows (additions **\*\*between asterisks and/or in bold\*\***, deletions ~~{within brackets and/or struck through}~~):

416-11 Lot regulations.

A. No change.

B. No change.

C. No change.

D. Corner lots.

(1) A corner lot shall ~~{have two front yards facing upon street frontages}~~ **\*\*be identified as a property having two (2) or more street frontages.\*\*** The frontage exposure with the street address of the structure in the Borough's tax records shall be considered the front yard in determining front, side and rear yard requirements.

(2) No change.

E. No change.

F. No change.

G. No change.

H. No change.

**Section 7.** The Borough Code of the Borough of River Edge, Chapter 416, Zoning, Section 13, Yard Regulations, is hereby amended and supplemented as follows (additions **\*\*between asterisks and/or in bold\*\***, deletions ~~{within brackets and/or struck through}~~):

416-13 Yard regulations.

A. No change.

B. No change.

C. Side, front and rear yard exceptions.

(1) No change.

(2) No change.

(3) No change.

(4) Covered front porches and awnings may project no more than ~~{five}~~ **\*\*six (6)\*\*** feet into a required front yard setback ~~{and may total no more than 35 square feet in area and may}~~ **\*\*provided same comply with all other setback and coverage requirements and do\*\*** not exceed the first story of the building in height.

**Section 8.** The Borough Code of the Borough of River Edge, Chapter 416, Zoning, Section 14, Maximum Lot Coverage, is hereby amended and supplemented as follows (additions **\*\*between asterisks and/or in bold\*\***, deletions ~~{within brackets and/or struck through}~~):

416-14 Maximum ~~{lot}~~ **\*\*building\*\*** coverage.

The maximum ~~{lot}~~ **\*\*building\*\*** coverage~~\*\*~~, **as defined in this chapter,** ~~{in each zoning district}~~ shall be regulated in accordance with the attached Schedule at the end of this chapter and shall not be greater than is permitted in the zoning district where such building and structures are situated, and shall include **\*\*but is not limited to\*\*** all porches, chimneys, extensions and accessory buildings **\*\*and structures.\*\***

**Section 9.** The Borough Code of the Borough of River Edge, Chapter 416, Zoning, Section 15, Maximum Improved Lot Coverage, is hereby amended and supplemented as follows (additions **\*\*between asterisks and/or in bold\*\***, deletions ~~{within brackets and/or struck through}~~):

416-15 Maximum ~~{improved}~~ lot coverage.

A. The maximum lot coverage~~\*\*~~, **as defined in this chapter,** shall be regulated in accordance with the attached Schedule at the end of this chapter and shall not exceed the percentage indicated in a zoning district area, bulk and yard requirements included herein for each zoning district, except where the existing driveway extends to a garage, located at the rear of the lot, the paved area from the front of the dwelling to the front of the garage shall not be included in calculating the maximum lot coverage. **\*\*A minimum of five (5%) percent of the maximum permitted lot coverage in each residential zoning district shall be reserved for yard amenities as defined in this chapter. This minimum reserve shall not be interpreted to provide an additional five (5%) percent of lot coverage, but shall be included in the total calculation of maximum permitted lot coverage.**

B. The maximum ~~{improved}~~ lot coverage for any use specified in §§ 416-19, 416-20, 416-21 and 416-22 of this chapter shall be 80%, except as herein provided.

**Section 10.** The Borough Code of the Borough of River Edge, Chapter 416, Zoning, Section 19, Churches and other places of worship, is hereby amended and supplemented as follows (additions **\*\*between asterisks and/or in bold\*\***, deletions ~~{within brackets and/or struck through}~~):

416-19 Churches and other places of worship.

Churches, synagogues and other places of worship shall be governed by the following regulations:

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. No change.
- F. No change.
- G. No change.
- H. No change.
- I. No change.
- J. Maximum ~~{lot}~~ **\*\*building\*\*** coverage shall be 40%.
- K. No change.
- L. No change.

**Section 11.** The Borough Code of the Borough of River Edge, Chapter 416, Zoning, Section 18, Floor area ratios (FAR) for office and hotel buildings in the C-2 Commercial Zoning District, is hereby amended and supplemented as follows (additions **\*\*between asterisks and/or in bold\*\***, deletions ~~{within brackets and/or struck through}~~):

416-18 Floor area ratios (FAR) **\*\*and height limitations\*\*** for office and hotel buildings in the C-2 Commercial Zoning District.

On lots of at least 60,000 square feet with at least 200 feet of street frontage in the C-2 Commercial Zoning District, height for buildings and structures shall be regulated by the following floor area ratio criteria:

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. No change.
- F. No change.
- G. No change.
- H. No change.
- I. No change.
- J. The maximum ~~{improved}~~ lot coverage ~~{, including principal buildings and structures, plus paving and improved areas,}~~ shall not exceed 80%.
- K. No change.

**Section 12.** The Borough Code of the Borough of River Edge, Chapter 416, Zoning, Section 20, Veteran and service organizations, is hereby amended and supplemented as follows (additions **\*\*between asterisks and/or in bold\*\***, deletions ~~{within brackets and/or struck through}~~):

416-20 Veteran and service organizations.

Veteran and service organizations shall be governed by the following regulations:

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. No change.
- F. No change.
- G. No change.
- H. No change.
- I. No change.
- J. Maximum ~~{lot}~~ **building** coverage shall be 35%.
- K. Maximum ~~{improved}~~ lot coverage shall be 35%.
- L. No change.
- M. No change.
- N. No change.

**Section 13.** The Borough Code of the Borough of River Edge, Chapter 416, Zoning, Section 27, Accessory Buildings and Structures, is hereby amended and supplemented as follows (additions **between asterisks and/or in bold**, deletions ~~within brackets and/or struck through~~):

416-27 Accessory buildings and structures.

- A. The term “accessory building or structure” is not intended to include
  - (1) No change.
  - (2) No change.
  - (3) ~~{In-ground swimming pools and aboveground swimming pools}~~ **Reserved**.
  - (4) No change.
- B. The term “accessory building or structure” shall include but **shall** not be limited to the following, whether prefabricated or constructed on-site:
  - (1) Pergolas, pavilions, ~~{roofed porches,}~~ **detached decks, gazebos, flagpoles,** outdoor bins and other similar buildings.
  - (2) Garden houses, tool houses, playhouses and greenhouses.
  - (3) Detached garages**,** ~~{and}~~ carports **and sheds**.
  - (4) Radio receiving and transmitting towers.
  - (5) Air conditioning units, HVAC equipment, electric vehicle equipment and generators for residential and non-residential buildings.**
  - (6) Above-ground and in-ground swimming pools.**
- C. Accessory buildings and structures **in residential areas** shall be governed by the following regulations. Accessory buildings and structures in all residential zoning districts which are not attached to a principal building or structure may be erected in any side yard or rear yard, provided that:
  - (1) Except as provided in § 416-32, no such accessory building or structure shall exceed 12 feet in height, **except for garages and flagpoles, which shall not exceed 15 feet in height**.
  - (2) No such accessory building or structure shall be located closer to any lot line than four **(4)** feet. **Generators must be located no further than 15 feet from the principal building.**
  - (3) No change.

- (4) No change.
- (5) No portion of an accessory building or structure shall be used for living quarters **\*\*or additional dwelling units\*\***, temporary or permanent.
- (6) No accessory building or structure shall be located closer to a single-family dwelling than five **\*\*5\*\*** feet.
- (7) No change.
- D. No change.
- E. No change.
- F. No change.

**Section 14.** The Borough Code of the Borough of River Edge, Chapter 416, Zoning, Section 36.2, AH-1 New Bridge Road Affordable Housing Overlay Zone, is hereby amended and supplemented as follows (additions **\*\*between asterisks and/or in bold\*\***, deletions ~~{within brackets and/or struck through}~~):

416-36.2 AH-1 New Bridge Road Affordable Housing Overlay Zone.

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. Area and bulk requirements. The area and bulk requirements for development built in accordance with the AH-1 Overlay Zone standards are set forth below. All other development shall comply with the underlying zone's area and bulk regulations, which shall remain in full force and effect.
  - (1) No change.
  - (2) No change.
  - (3) No change.
  - (4) No change.
  - (5) No change.
  - (6) No change.
  - (7) No change.
  - (8) Maximum ~~{improved}~~ lot coverage: 85%.
  - (9) No change.
  - (10) No change.
- F. No change.
- G. No change.

**Section 15.** The Borough Code of the Borough of River Edge, Chapter 416, Zoning, Section 59, Buffer zone requirements, is hereby amended and supplemented as follows (additions **\*\*between asterisks and/or in bold\*\***, deletions ~~{within brackets and/or struck through}~~):

416-59 Buffer zone requirements.

- A. No change.
- B. No change.
  - (1) No change.
  - (2) No change.

- (3) The area encompassed in the buffer zone may be utilized for the purposes of computing **\*\*building coverage and\*\*** lot coverage, yard setbacks and open space requirements.
- (4) No change.
- (5) No change.
- (6) No change.
- (7) No change.

C. No change.

**Section 16.** The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Borough of River Edge Municipal Land Use Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Municipal Land Use Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance that are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Borough Council deems appropriate.

**Section 17.** Any and all prior Zoning Regulations of the Borough that are inconsistent with this Ordinance are superseded by the Zoning Regulations adopted by this Ordinance.

**Section 18.** If any part of this Ordinance shall be deemed to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

**Section 19.** A copy of this Ordinance and the Zoning Regulations shall be available for public inspection at the office of the Borough Clerk during regular business hours.

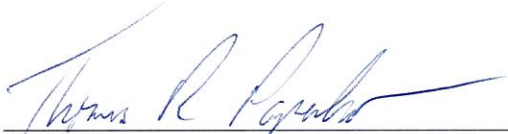
**Section 20.** This Ordinance shall take effect in accordance with all applicable laws.

INTRODUCED: May 30, 2024  
 ADOPTED: July 8, 2024

	Motion	Second	Yes	No	Abstain	Absent
Kaufman			X			
Montisano-Koen			X			
Kinsella			X			
Malellari	X		X			
Benson		X	X			
Glass			X			
Mayor Papaleo						

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of River Edge on July 8, 2024

  
 Anne Dodd, RMC, CMR  
 Borough Clerk/Assistant Administrator

  
 Thomas Papaleo, Mayor



**EXHIBIT A to Ord. No. 24-14**

ZONING

Schedule of Zoning District  
Area, Bulk and Yard Requirements  
Borough of River Edge, New Jersey

Zoning District	Use	Minimum Area Requirements			Maximum Bulk Requirements					Minimum Yard Requirements (Setbacks)			
		Lot Area (Square Feet)	Lot Width (Feet)	Lot Depth (Feet)	Principal Building Height (Feet)	Principal Building Height (Stories)	{Lot} <b>**Building**</b> Coverage (Percent)	{Improved} Lot Coverage (Percent)	<b>**Yard Amenities, Lot Coverage – Reserved<sup>2</sup> (Percent) **</b>	Front Yard (Feet)	Side Yard – One (Feet)	Side Yard – Both (Feet)	Rear Yard (Feet)
R-1	Single-family	7,500	75	100	30	2.5	25	35	<b>**5**</b>	30	7.5	18	25
R-2	Single-family	7,500	75	100	30	2.5	25	35	<b>**5**</b>	30	7.5	18	25
	Two-family	12,000	80	100	30	2.5	25	35	<b>**5**</b>	30	10	25	25
R-3	Single-family	7,500	75	100	30	2.5	25	35	<b>**5**</b>	30	7.5	18	25
	Two-family	12,000	80	100	30	2.5	25	35	<b>**5**</b>	30	10	25	25
	Garden Apartments	70,000	200	230	30	2.5	25	35	<b>**5**</b>	30	15	30	30
PRD-1	Single-family	7,500	75	100	35	2.5	25	35	<b>**5**</b>	30	7.5	18	25
	Single-family Cluster	5,000	50	--	35	2.5	30	{10} <b>**35**</b>	<b>**5**</b>	20	5	15	20
	Townhouse Cluster	3,500	25	--	35	2.5	30	50	<b>**5**</b>	15	<sup>1</sup>	<sup>1</sup>	20
C-1	Retail	10,000	100	100	35	2.5	40	80		30	15	35	20
	Office	15,000	150	100	35	2.5	40	80		30	15	35	20
C-2	Retail	10,000	100	100	35	2.5	40	80		30	15	35	20
	Office	15,000	150	100	35	2.5	40	80		30	15	35	20
	Office-FAR	10,000	See § 416-18										

NOTES:

<sup>1</sup> None required, but, where provided, a minimum of 15 feet; except that, where abutting a street, a minimum of 20 feet.

**\*\*<sup>2</sup> This reserve shall not be interpreted to provide an additional five (5%) percent of lot coverage, but shall be included in the total calculation of maximum permitted lot coverage. See § 416-15.\*\***